

Congressional Record

SEVENTY-FOURTH CONGRESS, SECOND SESSION

SENATE

THURSDAY, JANUARY 30, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 27, 1936, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On January 22, 1936:

S. 1336. An act to amend paragraph (f) of section 4 of the Communications Act of 1934; and

S. 2434. An act for the relief of George W. Hallowell, Jr.

On January 23, 1936:

S. 2252. An act for the relief of Henry Hilbun; and

S. 2673. An act for the relief of certain persons whose cotton was destroyed by fire in the Ouachita Warehouse, Camden, Ark.

On January 24, 1936:

S. 2421. An act to amend the act entitled "An act forbidding the transportation of any person in interstate or foreign commerce, kidnapped, or otherwise unlawfully detained, and making such act a felony", as amended.

On January 27, 1936:

S. 2887. An act authorizing the Perry County Bridge Commission of Perry County, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Cannelton, Ind.;

S. 3120. An act to authorize and direct the Secretary of the Treasury to transfer certain moneys to "Funds of Federal prisoners";

S. 3131. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point, and Dauphin Island, Ala.;

S. 3245. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg.; and

S. 3425. An act authorizing an appropriation for payment to the Government of Norway in settlement of all claims for reimbursement on account of losses sustained by the owner and crew of the Norwegian steamer *Tampen*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4178) for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations

to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes", agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McREYNOLDS, Mr. BLOOM, and Mr. MARTIN of Massachusetts were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to a resolution (H. Res. 406), as follows:

Resolved, That the bill (S. 1421) to amend subsection (a) of section 313 of the Tariff Act of 1930, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives, and is an infringement of the prerogatives of this House, and that said bill be respectfully returned to the Senate with a message communicating this resolution.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3328. An act to provide an official seal for the United States Veterans' Administration, and for other purposes; and

H. R. 4178. An act for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Keyes	Pittman
Ashurst	Connally	King	Pope
Austin	Coolidge	La Follette	Radcliffe
Bachman	Copeland	Lewis	Reynolds
Bailey	Costigan	Logan	Robinson
Bankhead	Couzens	Loneragan	Russell
Barbour	Davis	McAdoo	Schwellenbach
Barkley	Dieterich	McCarran	Sheppard
Benson	Donahay	McGill	Smith
Bilbo	Duffy	McKellar	Steiwer
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	George	Metcalf	Townsend
Brown	Gibson	Minton	Trammell
Bulkeley	Glass	Murphy	Truman
Bulow	Gore	Murray	Tydings
Burke	Harrison	Neely	Vandenberg
Byrd	Hastings	Norbeck	Van Nuys
Byrnes	Hatch	Norris	Walsh
Capper	Hayden	Nye	Wheeler
Caraway	Holt	O'Mahoney	White
Carey	Johnson	Overton	

Mr. LEWIS. I announce that the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Missouri [Mr. CLARK], the Senator from New Jersey [Mr. MOORE], the Senator from New York [Mr. WAGNER], and the Senator from Rhode Island [Mr. GERRY] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

NATIONAL CHARTERS FOR NATIONAL COMMERCE

Mr. WHEELER. Mr. President, on next Monday night at 10:30 o'clock the Senator from Wyoming [Mr. O'MAHONEY] will discuss on the national radio forum of the Washington

Star his bill to provide a system of national charters for national commerce. This measure, Senate bill 3363, is pending before the Committee on Interstate Commerce of the Senate, and we expect to start holding hearings on in the near future.

In general terms, the bill provides a national corporation system authorizing the formation under Federal charters of corporations to engage in commerce among the States. It provides for the issuance of licenses through the Federal Trade Commission to corporations already engaged in such commerce. By means of these charters and licenses, the powers of corporations so engaged in interstate commerce are defined. Provision is made for the protection of labor by writing into the charters and licenses a guaranty of the right of collective bargaining, a prohibition against child labor, and safeguards to prevent discrimination against female employees.

The bill also attempts to afford protection for the investor by providing primary safeguards against the manipulation and dissipation of funds invested in corporations.

In describing the bill on the floor of the Senate last August, the Senator from Wyoming said:

This bill would protect labor and foster commerce.

It would put an end to the most flagrant abuses of corporate power. It would solve the holding-company problem by giving to the stockholders of the companies which are strangled in the holding-company net the voting power to control their own capital.

It would protect the rights of the minority stockholder.

It would mean actual self-government in industry and would put an end to the expansion of bureaucracy.

It would confine the Government to its proper sphere, which is not to run the businesses of the country but to prevent one citizen or class of citizens from taking advantage of the rest.

It would mean a real distribution of the wealth of the country, not in the sense of destroying or distributing capital assets but by providing for a more equitable distribution of national income. Because it would do that, it would stimulate business.

EXPENSES OF NORTH AMERICAN WILDLIFE CONFERENCE (S. DOC. NO. 168)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of a proposed provision affecting an existing appropriation for the Biological Survey, Department of Agriculture, to provide for certain necessary expenses in connection with the North American Wildlife Conference to be held in Washington, D. C., February 3 to 7, 1936, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CHARLES E. MOLSTER

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Commerce, transmitting a draft of proposed legislation for the relief of Charles E. Molster, disbursing clerk, Department of Commerce, which, with the accompanying paper, was referred to the Committee on Claims.

REPORT OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the United States Employees' Compensation Commission, transmitting, pursuant to law, a copy of the annual report of that Commission for the fiscal year ended June 30, 1935, which, with the accompanying report, was referred to the Committee on Education and Labor.

REPORT OF AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate a letter from the past national president of the American War Mothers, submitting the annual report of the American War Mothers for the period from October 1, 1934, to October 4, 1935, which, with the accompanying report, was referred to the Committee on Military Affairs.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Smithsonian Institution, reporting, pursuant to law, that there are now in storage at the National Zoological Park, Washington, D. C., an accumulation of papers (supply orders), which are not needed in the

conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Executive Papers.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. NORBECK members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Foreign Relations:

Joint resolution memorializing the United States Senate to ratify at the instant session of Congress the treaty between the United States of America and the Dominion of Canada for the building of the Great Lakes-St. Lawrence seaway

Whereas there is pending before the United States Senate a treaty between the United States of America and the Dominion of Canada for the building of the Great Lakes-St. Lawrence seaway; and

Whereas this project has been under scrutiny and analysis by boards composed of the members of the Corps of the United States Army Engineers, economic investigators of the Department of Commerce, the International Joint Commission, the United States St. Lawrence Commission, and many other groups over a long period of years and has had the approval of 4 Presidents of the United States, of 46 Senators of the United States, and of both the Democratic and Republican Parties in convention assembled; and

Whereas the International Joint Commission found that without considering the probability of new traffic created by the opening of the water route to the seaboard there existed between the region economically tributary to the Great Lakes and overseas points, as well as between the same region and the Atlantic and Pacific seabords, a volume of out-bound and in-bound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvement; and

Whereas the United States Great Lakes-St. Lawrence Commission found the construction of this shipway from the Great Lakes to the sea to be imperative both for the relief and for the development of a vast area in the interior of the continent; and

Whereas the building of this seaway, by affording easy and cheap communication to and from the interior of the continent, would be the greatest farm-relief measure ever passed; and

Whereas no project now before the country in the public-works or any other program for work relief begins to have the economic justification this project has, and none will do so much to break the back of the depression, as the money spent on this project would be for durable goods and labor: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (and the Senate of the State of Minnesota concurring), That the State of Minnesota memorialize the Senate of the United States now in session, and by the adoption of this resolution the State of Minnesota does memorialize the Senate of the United States, to ratify at the present session of the Congress of the United States the treaty between the United States of America and the Dominion of Canada providing for the building, in accordance with the terms of said treaty, a deep waterway channel connecting the Great Lakes with tidewater; and be it further

Resolved, That the Governor of this State is hereby requested to forthwith transmit to the Senate of the United States a properly authenticated copy of this joint resolution of the House of Representatives and the Senate of the State of Minnesota.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of New York, favoring the designation as an air-mail service station of the Floyd Bennett Field Airport in Brooklyn, N. Y., which was referred to the Committee on Post Offices and Post Roads.

(See resolution printed in full when presented today by Mr. COPELAND, p. 1193.)

The VICE PRESIDENT also laid before the Senate a resolution of the Amalgamated Labor League of Tidewater, Norfolk, Va., favoring continuance of the munitions inquiry by the Special Committee on Investigation of the Munitions Industry, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

He also laid before the Senate a letter in the nature of a petition from Mrs. W. N. La Roe, of Cleveland, Ohio, praying for an amendment to the Constitution allowing the levying of income taxes upon all employees of State and other governments in the United States, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by Frank C. Armstrong Camp, No. 3, United Spanish War Veterans, of Topeka, Kans., favoring the enactment of the so-called

Philippine travel-pay bill for relief of officers and soldiers of the Volunteer service who were held in service in the Philippines after the ratification of the treaty of peace with Spain, which was referred to the Committee on Claims.

Mr. WALSH presented a letter in the nature of a petition from Local Union No. 2419, Upholstery and Drapery Workers, of Farnumsville, Mass., praying for the enactment of the bill (H. R. 9072) to rehabilitate and stabilize labor conditions in the textile industry of the United States; to prevent unemployment, to regulate child labor, and to provide minimum wages, maximum hours, and other conditions of employment in said industry; to safeguard and promote the general welfare, and for other purposes, which was ordered to lie on the table.

Mr. COPELAND presented the petition of the mayor and sundry officers and citizens of the city of Loiza, P. R., praying for the enactment of legislation extending the benefits of the Social Security Act to Puerto Rico, which was referred to the Committee on Finance.

He also presented a resolution of Lodge No. 325 of the Slovene National Benefit Society, of Gowanda, N. Y., favoring the adoption of the so-called workers' rights amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at the annual convention of the National Guard Association of the State of New York, at Syracuse, N. Y., favoring the enactment of legislation authorizing an allowance of \$35 per month for quarters to each enlisted man of the Army detailed to duty with the National Guard as sergeant-instructor, which was referred to the Committee on Military Affairs.

He also presented the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Post Offices and Post Roads:

Whereas the Floyd Bennett Field Airport, in the Borough of Brooklyn, city and State of New York, by reason of its accessible location, its splendid equipment and facilities, is one of the finest airports in the United States; and

Whereas said airport has been established at great expense to the city of New York; and

Whereas it has better visibility and less fog than other airports in the metropolitan area; and

Whereas New York City, as the metropolis of this hemisphere, is entitled to an air-mail-service station of its own; and

Whereas the interests of that city, our State, and this Nation demand that these excellent facilities be availed of to the fullest extent by the United States Air Mail Service: Therefore be it

Resolved (if the senate concur), That the Congress of the United States and the Postmaster General of the United States be, and they hereby are, respectfully memorialized to take appropriate steps to the end that the Floyd Bennett Field Airport, in the Borough of Brooklyn, city of New York, State of New York, be designated as an air-mail-service station; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Postmaster General of the United States, United States Senators ROBERT F. WAGNER and ROYAL S. COPELAND, the Secretary of the United States Senate, Congressman RICHARD J. TONRY, and the Clerk of the House of Representatives.

Mr. AUSTIN presented the following joint resolution of the Legislature of the State of Vermont, which was referred to the Committee on Commerce:

Whereas it is to the interest of all purchasers and consumers of manufactured products that such merchandise should be honestly advertised and labeled; and

Whereas it would be of great benefit to the maple-sugar industry of Vermont, as well as a protection to the health of consumers, if honest advertising and labeling of merchandise containing maple products were required by law: Now, therefore, be it

Resolved by the senate and house of representatives, That the members of the Vermont delegation in Congress be urged to work for the enactment of pure-food legislation requiring that the percentage of maple sirup or sugar and of other ingredients be specified in all advertising and on all containers of merchandise alleged to contain or to be prepared from maple products; and

That copies of this resolution be sent by the secretary of state to each member of the Vermont delegation in Congress.

PROTECTION OF INLAND PORTS

Mr. BARBOUR. Mr. President, I present and ask unanimous consent to have printed in full in the RECORD and appropriately referred copy of a resolution adopted by the City Council of the City of Trenton, N. J., memorializing Congress for the enactment of suitable legislation to protect inland ports.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution memorializing Congress for suitable legislation protecting inland ports

Whereas the Congress of the United States of America has seen fit to enact into law certain provisions in the Intercoastal Shipping Act of 1933 to protect minor ports, developed by act of Congress at the expense of the Federal Government, from exploitation by various organized shipping monopolies; and

Whereas the inclusion of such protective provisions, which are permissive in their application and allow voluntary activities by individual steamship operators, has made possible a satisfactory and uninterrupted service to Trenton by vessels in the United States intercoastal trade route; and

Whereas indications point to attempts being made to repeal such protective legislation, to the detriment of the port of Trenton, which port was created and developed into a deep-water port by the Federal Government and at the expense of the people of the United States of America; and

Whereas certain ships' subsidy and shipping legislation is now being proposed for enactment by the Congress of the United States of America for the further development, regulation, and general benefit of the shipping industry of the United States of America; and

Whereas adequate protective legislation should be included in such subsidy and other shipping legislation for the benefit of ports developed through improvement projects authorized by the Congress or through it by any other agency of the Federal Government; and

Whereas the city of Trenton has, at the expense of its citizens, cooperated with the Federal Government's improvement project in the Delaware River by constructing a modern marine terminal and other water-front facilities for the public convenience; and

Whereas the city council of the city of Trenton, who supervise, operate, maintain, and furnish adequate facilities for the functioning of the port in this community are desirous of encouraging and maintaining commerce through the port of Trenton for the good of local industry, general industry, and the public at large: Therefore be it

Resolved, That the city council of the city of Trenton, in regular session, memorialize the Congress of the United States to give its favorable consideration to and include in suitable proposed legislation the following:

"And provided further, That without limiting the power and authority otherwise vested in the authority, it shall be unlawful for any common or contract carrier, by water, either directly or indirectly, through the medium of an agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any other such carrier from serving any port designed for the accommodation of ocean-going vessels located on any improvement project authorized by the Congress or through it by any other agency of the Federal Government, lying within the continental limits of the United States at the same rates which it charges at the nearest port already regularly serviced by it"; and be it further

Resolved, That copies of this resolution be dispatched to the Honorable Senator W. WARREN BARBOUR, the Honorable Senator A. HARRY MOORE, and the Honorable Congressman D. LANE POWERS.

CLYDE P. BOGAN—PAPERS

Mr. ROBINSON presented papers to accompany the bill (S. 3816) for the relief of Clyde P. Bogan, heretofore introduced by him, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 3313) for the relief of George W. Olney, reported it without amendment and submitted a report (No. 1480) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 3090) for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne, reported it without amendment and submitted a report (No. 1483) thereon.

Mr. GIBSON, from the Committee on Claims, to which was referred the bill (S. 3684) to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War, reported it with an amendment and submitted a report (No. 1482) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 4805) authorizing adjustment of the claim of the Adelpia Bank & Trust Co., of Philadelphia, reported it without amendment and submitted a report (No. 1484) thereon.

He also, from the same committee, to which was referred the bill (S. 3001) for the relief of Walter F. Brittan, reported

it with an amendment and submitted a report (No. 1485) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 2941. A bill for the relief of Izelda Boissoneau (Rept. No. 1486);

S. 2942. A bill for the relief of John Hoffman (Rept. No. 1487); and

S. 2943. A bill for the relief of John Morris (Rept. No. 1488).

Mr. SCHWELLENBACH also, from the Committee on Military Affairs, to which was referred the bill (S. 3430) for the relief of Walter M. Seesee, reported it with amendments and submitted a report (No. 1489) thereon.

AGRICULTURAL RELIEF

Mr. BANKHEAD. I ask unanimous consent to report favorably with amendments from the Committee on Agriculture and Forestry the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, and I submit a report (No. 1481) thereon.

I have consulted the majority leader and he agrees that request will be made of the Senate to take this bill up for consideration on Monday next.

The VICE PRESIDENT. Without objection, the bill will be received and placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VAN NUYS:

A bill (S. 3833) for the relief of Percy Head; to the Committee on Claims.

A bill (S. 3834) making it unlawful to sell certain spirits containing alcohol produced from materials other than cereal grains, and for other purposes;

A bill (S. 3835) to prevent certain price discriminations in commerce, and for other purposes; and

A bill (S. 3836) to amend the Criminal Code with respect to the manner of inflicting the punishment of death; to the Committee on the Judiciary.

A bill (S. 3837) granting a pension to Mary M. Osborn; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3838) granting a pension to Georgene F. Jackson; and

A bill (S. 3839) granting a pension to Randall Krauss; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3840) to amend section 29 of the Bankruptcy Act; and

A bill (S. 3841) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. LA FOLLETTE:

A bill (S. 3842) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the statehood of Wisconsin, and to assist in the celebration of the Wisconsin Centennial during the year 1936; to the Committee on Banking and Currency.

By Mr. BARBOUR:

A bill (S. 3843) to provide for the entry under bond of exhibits of arts, sciences, and industries, and products of the soil, mine, and sea, and all other exhibits for exposition purposes; to the Committee on Finance.

By Mr. PITTMAN:

A bill (S. 3844) for the relief of Mrs. M. N. Shwamberg; and

A bill (S. 3845) to amend section 11 of the act approved April 10, 1935, entitled "An act to establish a Commission for the Settlement of the Special Claims comprehended within the terms of the convention between the United States of

America and the United Mexican States, concluded April 24, 1934" (Public, No. 30, 74th Cong.); to the Committee on Foreign Relations.

By Mr. DAVIS:

A bill (S. 3846) granting a pension to George F. Krapp; to the Committee on Pensions.

By Mr. REYNOLDS:

A bill (S. 3847) granting a pension to Robert Garrett; to the Committee on Pensions.

A bill (S. 3848) for the relief of George J. Leatherwood; to the Committee on Claims.

By Mr. MOORE:

A bill (S. 3849) for the relief of Clara Imbesi and Domenick Imbesi; to the Committee on Claims.

By Mr. STEIWER:

A bill (S. 3850) for the relief of Mrs. Foster McLynn; to the Committee on Claims.

By Mr. MINTON:

A bill (S. 3851) granting a pension to Charity Cooper (with accompanying papers);

A bill (S. 3852) granting a pension to Hazel G. White (with accompanying papers); and

A bill (S. 3853) granting a pension to Flora Deutschman Whitson (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3854) granting an increase in compensation to William B. Lancaster; to the Committee on Claims.

A bill (S. 3855) to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended; to the Committee on the District of Columbia.

By Mr. NEELY:

A bill (S. 3856) for the relief of Anise B. Dulaney; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 3857) for the relief of Eldon F. Tripp; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 3858) for the relief of the legal representatives of O. M. Roberts; to the Committee on Claims.

A bill (S. 3859) to authorize the procurement, without advertising, of certain War Department property, and for other purposes; and

A bill (S. 3860) to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928; to the Committee on Military Affairs.

By Mr. BAILEY:

A bill (S. 3861) for the relief of the Alaska Commercial Co. of San Francisco, Calif.; to the Committee on Claims.

By Mr. O'MAHONEY:

A bill (S. 3862) for the relief of Robert Simpson, doing business as Casper Monument Works; to the Committee on Claims.

By Mr. ADAMS:

A bill (S. 3863) for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 3864) for the improvement of the organization, administration, and maintenance of the United States Naval Reserve and the Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. HATCH:

A bill (S. 3865) for the relief of Amalia G. Lujan; to the Committee on Claims.

A bill (S. 3866) to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen; to the Committee on Public Lands and Surveys.

By Mr. BURKE:

A bill (S. 3867) for the relief of Thomas J. Pryor; to the Committee on Claims.

A bill (S. 3868) to amend section 32 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the

construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935; to the Committee on Commerce.

By Mr. MURRAY:

A bill (S. 3869) to authorize payment to the Indians of the Fort Peck Reservation of the amounts due on certain delinquent homestead entries; to the Committee on Indian Affairs.

A bill (S. 3870) granting a leave of absence to settlers of homestead lands during the year 1936; to the Committee on Public Lands and Surveys.

By Mr. SCHWELLENBACH and Mr. BONE:

A bill (S. 3871) to amend section 24 of the Immigration Act of 1917, as amended; to the Committee on Immigration.

By Mr. THOMAS of Utah:

A bill (S. 3872) for the relief of the present leader of the Army Band (with accompanying papers); to the Committee on Military Affairs.

By Mr. DUFFY:

A bill (S. 3873) granting an increase of pension to Ellen Rock; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 3874) to authorize payment to the Indians of the Fort Berthold, Fort Totten, and Standing Rock Indian Reservations, N. Dak., of the amounts due on certain delinquent homestead entries; to the Committee on Public Lands and Surveys.

By Mr. DUFFY:

A joint resolution (S. J. Res. 204) providing for the naturalization of Dr. M. Kellogg Mookerjee; to the Committee on Immigration.

AMENDMENTS TO SUPPLEMENTAL DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 10464, the supplemental deficiency appropriation bill, 1936, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 21, line 16, to insert the following: "Provided, That this appropriation shall be allotted to the States cooperating under existing appropriations without the matching requirement, except in those States which already have State funds available for matching their Federal allotments."

Mr. HAYDEN also submitted an amendment intended to be proposed by him to House bill 10464, the supplemental deficiency appropriation bill, 1936, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 51, after line 19, to insert the following new section:

Sec. 6. That section 1 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, be, and the same is hereby, amended by inserting at the end of the first proviso of the second paragraph thereof, a new proviso as follows: "Provided further, That the apportionment requirements of this paragraph shall not apply to loans or grants, or both, to States under limitation (g) of the first paragraph of this section, for public highways and related projects, including grade crossings."

PUBLIC HIGHWAY FUNDS—NOTICE OF MOTION TO SUSPEND THE RULES

Mr. HAYDEN submitted the following notice of motion to suspend the rules:

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, the following amendment, viz: On page 51, after line 19, to insert the following as a new section:

"Sec. 6. That section 1 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, be, and the same is hereby, amended by inserting at the end of the first proviso of the second paragraph thereof, a new proviso as follows: 'Provided further, That the apportionment requirements of this paragraph shall not apply to loans or grants, or both, to States under limitation (g) of the first paragraph of this section, for public highways and related projects, including grade crossings.'"

COTTON PRODUCTION IN THE UNITED STATES

Mr. GORE. I submit a resolution and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 222), as follows:

Resolved, That the Secretary of Agriculture is directed to transmit to the Senate immediately 1 of the 25 copies of the original draft of the unreleased manuscript entitled "Cotton Production in the United States", being part 2 of the work entitled "The World Cotton Situation."

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ROBINSON. Let the resolution go over.

The VICE PRESIDENT. The resolution will go over.

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS

Mrs. CARAWAY submitted the following resolution (S. Res. 223), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Enrolled Bills hereby is authorized to employ until the end of the present session an assistant clerk to be paid from the contingent fund of the Senate at the rate of \$1,800 per annum.

ASSISTANT CLERK TO INTERSTATE COMMERCE COMMITTEE

Mr. WHEELER submitted the following resolution (S. Res. 224), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce is hereby authorized to employ for the remainder of the session of the Senate an assistant clerk, to be paid from the contingent fund of the Senate at the rate of \$2,000 per annum.

INVESTIGATION OF CAMPAIGN EXPENDITURES IN 1936

Mr. ROBINSON submitted the following resolution (S. Res. 225), which was referred to the Committee on Privileges and Elections:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to investigate the campaign expenditures of the various Presidential candidates, Vice-Presidential candidates, and candidates for the United States Senate, in both parties, the names of the persons, firms, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage, and all other facts in relation thereto which would not only be of public interest but which would aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate.

No Senator shall be appointed upon said committee from a State in which a Senator is to be elected at the general election in 1936.

The investigation hereby provided for, in all the respects above enumerated, shall apply to candidates and contests before primaries, conventions, and the contests and campaign terminating in the general election in 1936.

Said committee is hereby authorized to act upon its own initiative and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made before said committee, under oath, by any person, persons, candidate, or political committee, setting forth allegations as to facts which, under this resolution, it would be the duty of said committee to investigate, the said committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in said complaint are immaterial or untrue.

Said committee is hereby authorized, in the performance of its duties, to sit at such times and places, either in the District of Columbia or elsewhere, as it deems necessary or proper. It is specifically authorized to require the attendance of witnesses by subpoena or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, clerical and other assistants; and to employ stenographers at a cost not exceeding 25 cents per 100 words.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee. The chairman of said committee or any member of any subcommittee may administer oaths to witnesses and sign subpoenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee or who appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law.

The expenses of said investigation, not exceeding in the aggregate \$—, shall be paid from the contingent fund of the Senate on vouchers signed by the chairman of the committee or the chairman of any subcommittee.

All hearings before said committee shall be public, and all orders or decisions of the committee shall be public.

The committee shall make a full report to the Senate on the first day of the next session of the Congress.

TEXAS CENTENNIAL EXPOSITION—CONFERENCE REPORT

Mr. CONNALLY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

TOM CONNALLY,
PETER NORBECK,
ALBEN W. BARKLEY,
Managers on the part of the Senate.
S. D. McREYNOLDS,
SOL BLOOM,
JOSEPH W. MARTIN, Jr.,
Managers on the part of the House.

The report was agreed to.

REPLY TO HON. ALFRED E. SMITH—ADDRESS BY SENATOR ROBINSON

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD a very able and timely address delivered on last Tuesday night over the Columbia Broadcasting System by the Senator from Arkansas [Mr. ROBINSON].

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen of the radio audience, I shall take for my text tonight Genesis, the twenty-seventh chapter, verse 22: "The voice is Jacob's voice but the hands are the hands of Esau."

Alfred E. Smith sought the Presidency in 1928 when a man who raised his voice on behalf of the great causes of social justice and Democratic principles was regarded by the stock-ticker patriots with smug toleration or as a potential enemy of his country.

Governor Smith, in 1928, waged a clean and honorable campaign in behalf of common men and women, but he was swept down to defeat by greed and privilege hiding behind a murky and malodorous smoke screen. Greed supplied the 30 pieces of silver and passion brought about the base betrayal of fundamental American principles.

Now, we are on the threshold of another national campaign with the same two armies facing each other along the battle line. The preliminary skirmishing is under way and what is our amazement to find Governor Smith enthroned in the camp of the enemy, warring like one of the Janizaries of old against his own people and against the men and women with whom he fought shoulder to shoulder in the past.

A few nights ago there was held in the city of Washington a banquet by the misnamed American Liberty League, and the main attraction on that occasion was none other than our old friend, the "Happy Warrior", who won his spurs battling for the rights of the plain people.

Let me read to you a description of that occasion from a Washington newspaper:

"Jammed elbow to elbow, tall coat to tall coat, fluttery bouffant dress to sleek black velvet dress, the tables set so closely together in the main ballroom that the ushers scarcely could wiggle between the anti-New Dealers, Democrats, and Republicans alike gathered to hear the magic rasping voice of Alfred E. Smith belabor the present administration."

Another writer in the same paper described it as a billion-dollar audience that glanced up with eyes of worship and love at the new champion who had come amongst them. It was the swellest party ever given by the Du Ponts.

Yes; Governor Smith not only has changed sides in the great battle but his whole outlook seems to have undergone a transformation. He has forgotten apparently the issues upon which he ran for the Presidency. The brown derby has been discarded for the high hat; he has turned away from the East Side, with those little shops and fish markets, and now his gaze rests upon the gilded towers and palaces of Park Avenue.

In the old days Governor Smith was one of the most constructive and penetrating critics in American public life.

But now, what a change; his hour-long harangue before the misnamed Liberty League was sterile, without a single constructive suggestion for meeting the great social and economic problems confronting this Government. He laid down a six-point program in which he proposed, somewhat childishly, that the Democrats should forget about the election, resurrect the platform of 1932, cease compromising with fundamental principles, discontinue efforts to change the structure of government, remember oaths of office, and regard the Constitution as a civil bible. Not a specific

proposal in the whole batch. Just a rehash of confusing and meaningless generalities.

Why, the Happy Warrior went further than that. He boldly asserted that our great offensive to overcome the depression and adjust the Nation's economic life had accomplished nothing. Is that a serious declaration or is it oratorical license? I challenge the accuracy of that assertion. Why, a table recently compiled shows that in the 3 years of the New Deal, as compared to the last 3 years of the Old Deal, unemployment has declined 30 percent; cotton, wheat, and corn have increased 100 percent or more in price; industrial production has gone up 51 percent; listed stocks have increased 134 percent in value and listed bonds 22 percent.

The progress of our recovery is apparent to every man who looks about him, and the story of the onward march fairly leaps at you every day from the pages of the daily press. Bear in mind that when the Roosevelt administration came into power hungry and abandoned men in the cities were searching the garbage pails for waste scraps and the American farmers were halting court foreclosures by physical force, which borders close on revolution. And Governor Smith says there has been no progress.

President Roosevelt had not been in the White House 24 hours before bankers and other big businessmen now grouped in the Liberty League appealed to him to "do something", to "do anything", to relieve the paralysis of business and to save them.

The President and the Congress responded to their appeals, saved the banks, and in saving them also saved the insurance companies; saved the railroads, the farms, and the homes. No sooner had these suppliants been made secure than they began to complain of the very processes by which their fortunes had been preserved against bankruptcy. They did not, when they needed help, brand Government aid to private enterprises as socialistic or communistic; nor did they complain of the Government engaging in what is normally private enterprise. Now, being secure, they regard it as violative of sound principle to accord the same assistance to others which they themselves have enjoyed.

So much for what the Roosevelt administration has accomplished. Now let's look at Mr. Smith's other criticisms of the present Democratic administration. You recall that before the Liberty Leaguers he started to read the Democratic platform of 1932, but for some strange reason he never finished it. I wonder why? Was there something further along condemning stock-market manipulations that he didn't like to read before his wealthy friends?

In any event, he charged that the New Deal was fostering and promoting class hatred; second, that it enacted an unconstitutional farm program and an unconstitutional N. R. A.; third, that public money was being wasted; fourth, that Congress had abdicated its powers to the Executive; and fifth, in a flag-waving, soul-stirring crescendo he charged the New Deal with trying to undermine the Constitution and Supreme Court while it fastened a socialistic and communistic dictatorship upon this country.

Let's look at the record.

Why, Governor Smith, from your own lips, with your own words, with your own matchless talent for illuminating the dark places of public discussion, I shall prove that you have advocated and championed every basic principle that has been written into law by the Roosevelt administration.

In his speech on Saturday night, Mr. Smith made the ugly charge that the New Deal is fomenting class hatred. Let me read you what he said when he was addressing the alumni association of Harvard University on June 22, 1933:

"I remember when we first spoke about the Workmen's Compensation Act the Court of Appeals of our own State set aside the first enactment as being contrary to the Constitution. I remember when we enacted the Child Welfare Act it was referred to as paternalism and as socialism."

"Our whole democracy at that time seemed to be devoted to the part that constitutional law and statute law was intended only for the protection of property and of money, and the human element did not seem to enter into it."

"The same has to do with the factory code; the same has to do with the provision for modern, up-to-date housing for our small-income group; the same has to do with the development of State-owned water power and the ownership by the State of the power at the site. Twenty years ago those were regarded as socialistic. I was referred to many time by my political opponents as a socialist. But in the light of our present-day legislation, Mr. President, I claim I am one of the ultraconservatives."

"We have nothing to fear in this country from a dictatorship. There can be nothing of that kind in this country. It cannot live here. We are not organized to carry it on. We have no desire for it. Great as may be the grant of temporary power in an emergency that Congress may by congressional enactment put into the hands of a President the thing we have to fear in this country, to my way of thinking, is the influence of the organized minorities, because somehow or other the great majority does not seem to organize."

Yes; those were Mr. Smith's own words. Somehow I think there must be two Al Smiths. One is the happy, carefree fellow behind whom we marched and shouted in 1928, proud of his principles and eager to place him in the White House. Now we have this other Al Smith, this grim-visaged fellow in the high hat and tails, who warns us that we are going straight to Moscow. If I recall correctly, he came before the Senate Finance Committee in 1933 and urged us to recognize Soviet Russia and give it a 5-year moratorium on debt payments.

Throughout his 1928 campaign Governor Smith hammered at the Power Trust, denounced greed and special privilege, and promised the people that if he were elected he would establish a new

order of things and bring about what he called a "more equal distribution of prosperity." Now he talks about stirring up class hatred, but what he said then sounded a good deal more like "share the wealth" than it does like the comparatively mild statements of President Roosevelt.

I pass on to his next accusation. He charges the New Deal with fostering an unconstitutional farm-relief program. He forgets that in 1928 he advocated the principles of the McNary-Haugen bill which in many respects was far more drastic in its use of the taxing power than the A. A. A. ever was. That's just a case of second guessing. Let me quote you from his Jefferson Day speech on April 13, 1932. He said:

"It is a perfectly easy thing to say we must restore the purchasing power of the farmer. Fine! Of course we must. But how are we going to do it? I would sooner have a short shake hands with the fellow that knows how to do it, than listen for a week to the fellow who knows how to tell you what the trouble is."

Well, Governor Smith, you should have stepped out of that Liberty League banquet and taken a walk four blocks to the White House to shake the hand of the man who raised the purchasing power of the farmers more than \$2,000,000,000 in 1 year.

In his speech on Saturday night, Mr. Smith denounced the N. R. A. as a giant octopus that entangled itself around all business big and small and tried to smother it to death. Another second guess. He made a radio speech on August 22, 1933, in which he called attention to the fact that N. R. A. was largely voluntary and he added, I quote:

"The slightest reflection on these facts should dispose of the claim, from whatever source it came, that the National Industrial Recovery Act shakes the firm foundations of our Constitution, or marks revolution in our Government and in the conduct of our everyday life."

"Let us see whether by shorter hours, higher wages, and increased employment we can avoid the dole, called home relief, and the disguised dole popularly known as relief work, the evil consequences of which we all know. It is infinitely better to pay the bill by the methods proposed in the National Industry Recovery Act than to pay it in the form of public or private charitable relief."

The next charge was that public money was being wasted and that the party had failed to fulfill its pledge of a 25-percent reduction in Government expenditures. He neglected entirely to state that no President ever could have refused the call of suffering humanity that existed during the crisis of 1933. He knows very well that any Chief Executive, too cowardly to use the national credit to save human life, would have been consumed in the burning hatred of his own people.

I'll go further than that. Governor Smith himself was urging appropriations for public relief at the very time that platform plank about which he boasts so loudly was being drafted. He made speech after speech urging a public bond issue to provide employment. He appeared before a committee of Congress for that purpose. Here is what he said at the Jackson Day dinner in Washington on January 8, 1932:

"Now, if it is all right to put the credit of the Government behind business, let the credit of the Government be used to keep the wolf of hunger away from the doormat of millions of people."

In that same speech Mr. Smith declared that the conduct of the Hoover administration was "indefensible" because States, cities, and private charities were out of funds and unable to cope with the relief situation. He forgot to mention that speech to his Liberty League friends. Once again he was second guessing.

Let's pass on to his fourth charge that Congress has abdicated its legislative powers and, as he said, the country is now run by bureaucrats. Why, what Congress did is the very thing he advocated. In that Jackson Day speech from which I just quoted Governor Smith said:

"I would therefore suggest that Congress empower the President of the United States to appoint a Federal administrator of public works and put the President in such a position as he can clothe him with plenary power to cut, slash, dig into, and run through all the red tape and through all the statutory restrictions that are placed upon the Government in the progress of public works."

"In other words, invoke the tactics of war instead of dotting all the i's and crossing the t's and going through all the cumbersome labor of the peacetime performance when it comes to public-works construction."

Oh, my, Governor Smith, what a short memory you have. Your charge that the Roosevelt administration is fostering socialism and communism is so ridiculous it's actually funny. I think you've been seeing things under the bed; you know those Communist spies that our good friend HAM FISH is always talking about. Where have I heard that charge of socialism and communism before? Oh, now I recall, that's the identical charge that Mr. Herbert Hoover made against you in 1928.

Remember, Governor, after you fearlessly advocated the public ownership, public control, and public development of water-power sites, poor old Herbert whimpered that it was state socialism, because he lacked any adequate or statesmanlike reply to the position you took. And how you nailed poor Herbert on that one. You reminded him that the same old cry had been raised against Theodore Roosevelt, Charles Evans Hughes, Woodrow Wilson, and every other public servant who ever attempted to perform a public duty on behalf of the whole people. Very properly you said that silly charges of that kind did more to promote socialism in this country than any other cause. Let me quote just two short paragraphs from your Boston speech on October 24, 1928. You said:

"The cry of socialism has been patented by the powerful interests that desire to put a damper on progressive legislation."

"Failing to meet the arguments fairly and squarely, special interest falls back to the old stock argument of socialism. The people of New York State are tired of the stock argument, have discovered that it means nothing, that it is simply subterfuge and camouflage, and I am satisfied that the people of the Nation, in their wisdom, will so appraise it."

Yes, Governor Smith, you very properly reminded Mr. Hoover that under his definition even Charles Evans Hughes, the present Chief Justice of the United States, was a socialist.

Now, then, Governor Smith, I wish to comment on one more portion of your speech. You quoted from President Roosevelt's message to Congress, and then by straining and distorting his meaning you charged the President with saying: "If you are going to have an autocrat, take me; be very careful about the other fellow." Now, the Chief Executive never said that, and he never hinted at any such thing. That looks just a little bit like a blow below the belt. Suppose I read the record on you—not what someone else said, but what you, yourself, said. I am now going to read you verbatim a news dispatch which appeared in the usually reliable New York Times, in the issue of February 8, 1933, just before Mr. Roosevelt entered the White House. I quote:

"Former Gov. Alfred E. Smith told 400 guests at a dinner of the Catholic Conference on Industrial Problems at the Hotel Astor last night that the Nation needs a director of public works with power to cut through red tape if appropriations of public funds are to count in the war against the depression."

"The former Governor asserted that the economic crisis had caused more domestic damage than participation by the United States in the World War, and he declared it must be fought as a democracy traditionally fights, by arrogating to itself the powers of a tyrant, a despot, or a monarch."

"Let us look back a few years to 1917 and 1918", Mr. Smith proposed. "What did we do then? Why, we took the Constitution, wrapped it up, and put it on the shelf and forgot it until it was over."

Just think of that! Alfred E. Smith proposing in 1933 that we wrap up the Constitution and put it on the shelf until the depression was defeated, and then coming down here in 1936 to lecture Democratic leaders on constitutional government!

Now, let me say something about the Constitution. In the whole United States there is not a single individual who can truthfully charge Franklin D. Roosevelt with advocating the suppression of freedom of speech, freedom of the press, freedom of assemblage, freedom of worship, or any of those other basic rights guaranteed us in the immortal Bill of Rights.

The idea that Governor Smith wished to convey in 1933 is the idea we all had, namely, that in a time of stress and torment, when every moment demanded action to preserve human life and prevent suffering, it was imperative to cease wasteful quibbling. He meant the time had passed for legal hairsplitting and pompous phraseology.

Governor Smith meant he was tired of boresome self-styled constitutional authorities like James M. Beck, the chief justice of the Liberty League, who has appeared 10 times before the Supreme Court on constitutional questions and been turned down 8 times.

History will show, and the record now will show, that President Roosevelt has never advocated the adoption of a single measure designed to curb in any way the just liberties of any man.

Of course, President Roosevelt was unable to say definitely and finally in the great emergency of 1933 just where State power ended and Federal power began. Of course, Congress was unable to say flatly and finally that the measures adopted would come within the limitations of the Constitution as interpreted by the Supreme Court. Who could say conclusively the A. A. A. was constitutional or unconstitutional? Why even the Court itself differed on that issue, and three of its keenest members gave their unqualified opinion that it was constitutional.

We anticipate unprincipled men, engaged only in promoting their own interests, to join the hypocritical and pharisaical chorus, to join the hue and cry of those who falsely accuse the President of trying to undermine the organic law of this country. But we don't expect it from high-minded individuals who know better, from men who themselves have advocated far more drastic policies and programs than Mr. Roosevelt has pursued. If you condemn the President, Governor Smith, you condemn yourself one hundredfold.

The list of directors and officers of the American Liberty League reads like a roll call of the men who have despoiled the oil, coal, and water-power resources of this country. With notable exceptions they were lined up against you in 1928 supplying the money with which Herbert Hoover went about the country denouncing you as a Communist and a Socialist.

It was strange to see you in such company, Governor Smith. Over here marches the same army with whom you fought for social justice for a quarter of a century—Franklin Roosevelt, Senator Wagner, Miss Perkins, Senator Norris, and those other comrades of your earlier and better days. The glamour of your presence and the brilliance of your personality so completely dominated that gathering on last Saturday night that in the half shadows were concealed the lurking figures of men who fought for 25 years against the principles of government you formerly espoused. Within a few feet of the table at which you sat were members of the Power Trust, some of whom you denounced by name in 1928.

I am sure Mr. Hoover was with you in spirit, his cherubic face agleam and his chubby hands applauding ecstatically as you repeated against Mr. Roosevelt the very speech which Mr. Hoover delivered against you in 1928.

Yes, Governor Smith; it was as difficult to conceive you at that Liberty League banquet as it would be to imagine George Washington waving a cheery good-bye to the ragged and bleeding band at Valley Forge while he rode forth to dine in sumptuous luxury with smug and sanctimonious Tories in nearby Philadelphia.

Perhaps in the heat of battle sometimes our commanding officer, President Roosevelt, has employed the wrong tactics. Perhaps there have been confusion and loss of energy. Those things always happen when human beings attempt mass operations in hurried formation under the pressure of adverse fate. But those things never yet have justified a change of allegiance in the face of the enemy.

It rests with no soldier who approaches the battlefield under the flag of his leader to retire while the war continues. Above all things, he must never go over to the enemy.

Yes; I agree with you, Governor Smith, that the Democratic Party belongs to no individual and no group. It cannot be purchased by the American Liberty League. The financial angels of the league will discover they cannot buy a monopoly over the name of freedom in the same way they have purchased monopolies over oil, coal, and water power.

Governor Smith, I have read you the record. You approved N. R. A.; you approved farm relief; you urged Federal spending and public works; you urged Congress to cut red tape and confer power on the Executive; you urged autocratic power for the President; and you exposed with merciless logic the false cry of communism and socialism. The New Deal was your platform as the "happy warrior."

The policies of the Liberty League have become your platform as the unhappy warrior.

ADDRESS BY SENATOR CLARK BEFORE MISSOURI STATE BAR ASSOCIATION

Mr. TRUMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an able address delivered by the senior Senator from Missouri [Mr. CLARK] before the Missouri State Bar Association at Springfield, Mo., on September 28, 1935.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I consider it a real privilege to again have the opportunity of meeting with my brethren of the Missouri Bar and a distinct honor to be permitted to address you this evening. These are times when it is especially desirable for men and women trained in the law, men and women familiar with the history of our laws and of our institutions, men and women whose business of necessity brings them into the closest contact with the procedure and enforcement of our laws to take counsel together.

In the field of legal ethics and professional standards there have been notable advances in the last few years, and I am especially proud of the work which has been done in this State under the leadership of this association. In this work the bar is merely performing its plain duty to the public and to the courts whose officers we are.

There are times when it seems especially desirable for lawyers, indeed for all the people, to take stock of our fundamental law, to review our history under it, to consider whether it has outgrown its usefulness and whether it should be changed in such a way as to destroy its essential character, either as to the powers granted to the Federal Government and those reserved to the States, or as to the powers and duties of the coordinate branches of the Federal Government itself.

Such questions naturally arise during such periods of unrest and economic agony as the whole world has been enduring and in many nations have been answered by the overturn of governmental structure, the destruction of constitutional rights, and the establishment of brutal dictatorships.

The United States has from the earliest days of the Republic been the bulwark of liberty throughout the world. We set the example of republicanism to the nations of the earth. Our Government was created and stands as a monument to the proposition that men are fit to govern themselves. Twenty years ago it seemed that the principles upon which our Government has been founded were to encompass the earth, for nearly 30 nations had followed our example in setting up constitutional governments. Today, as a result of the events which have gone on in the latter years and of events which are being narrated in the daily press—news of murder and rapine and oppression—every lover of constitutional liberty in the world must bow his head in shame. But even in this time, this time of crisis, when, as a result of the brutal bestiality of war, of the lowering of standards, the destruction of morale which accompanied and followed that awful conflict, liberty is prostrate throughout the world, with brutal dictators in the ascendant in nearly every land, the United States still affords the last hope to the oppressed and liberty-loving peoples of the world.

We ourselves have been passing through the fiery furnace of the aftermath of war. We are emerging from a crisis more serious than any in the history of the United States with the exception of the Revolution and the period of the Civil War. The survival of our institutions and of our whole economic fabric has been tested to the uttermost. It is such conditions which give rise to discussions as to changes in our fundamental law. It is perhaps but natural and human for some to blame distressing condi-

tions due to economic maladjustments and faulty administration upon the structure of our government.

Let me say, as clearly as I am able to give expression to my thoughts, that I am not one of those who believe that the Constitution should be sacrosanct, as immutable as the laws of the Medes and Persians, although I have always believed and still believe that it is the greatest document ever struck off by any group of men at any one time. The framers of the Constitution themselves wisely set up explicitly the means whereby the Constitution might be amended, cumbersome and difficult to be sure, but capable, as we have recently seen, of being employed with amazing rapidity and completeness once the people have made up their minds. It has also been demonstrated that it is sufficiently flexible to enable the people to try an experiment in government and, if proven unsatisfactory, to speedily repair their error. Indeed, the Constitution was wisely amended, at least by general agreement, by the insertion of the Bill of Rights before it was even adopted, else it had not been adopted.

The Constitution itself was a radical, not to say a revolutionary change from the form of government as it existed under the Articles of Confederation. Many of us are prone to speak of the period of the adoption of the Constitution as a settled period, when our governmental theories sprang full armed from the brains of a group of political Joves. Yet a century and a quarter ago, Thomas Jefferson wrote: "We have chanced to live in an age which will probably be distinguished in history for its experiments in government on a larger scale than has yet taken place." He recognized that the science of government is a progressive science and that advances must be made in the promotion of the welfare of the people lest they perish.

Nor do I see merit to the objection frequently advanced in these times that to amend the Constitution in a certain particular would have the effect of overruling a decision of the Supreme Court of the United States. In our own times we have seen that done when the decision of the Supreme Court in the income-tax case was in effect overruled by an amendment specifically giving Congress the power to impose the Federal income tax.

The test of whether changes should be made in the Constitution should be determined not by reverence for its antiquity and only by the question of whether changes would be in the interest of increasing the happiness and well-being of the people. Thomas Jefferson said: "The only orthodox object of the institution of government is to secure the greatest degree of happiness possible to the general mass of those associated under it." But in the determination of the question of proposed changes the greatest consideration should be given to the question of whether or not the prospect of success of the proposed change is sufficient to justify us in abandoning a system of government under which we have enjoyed a century and a half of amazing progress and of general though by no means universal prosperity.

Whether it be more sound in theory to have a written constitution such as we have or an unwritten constitution such as the British have I shall not attempt to argue. Those who see great merit in the British system of practically unlimited control of government by the House of Commons must consider that this enormous power is checked by a most uncertain tenure of office and that the government may be turned out of office at any moment. To entrust such power to a legislative body, or an executive elected for a fixed term might speedily lead to the worst of tyranny.

But certain it is that if we had not had a written constitution we would have had no constitution at all. Our States had lately been colonies. They were jealous of each other and more jealous and afraid of a central government so strong and unrestrained that it might subjugate their liberties. Moreover, they recalled that it was a subservient Parliament, controlled by a tyrannical King, unrestrained by a written constitution or by any judicial body capable of enforcing an unwritten one which had lately committed the acts of oppression which had caused the Revolution and created our independent States. Therefore in setting up the central government, with great care and precision, they set out explicitly the powers which the States were granting to the central government reserving all others to the people of the States. And then they set up a Bill of Rights, designed to protect to the fullest possible degree, the individual rights and liberties of the people themselves. And when they came to set up the central government they carefully divided it into three coordinate branches, each to perform its given function and to be a check upon the other so that no one or no two branches could take away the rights of people.

While it is true that there are those who conceive it to be desirable to wipe out our whole system of government, to abolish the Constitution of the United States, destroy every right of liberty or property, eliminate State lines entirely, and set up a system of unified state socialism, I shall occupy little time in a discussion of them, because I believe their theory to be obnoxious to an overwhelming majority of the American people.

But there are other and more subtle methods of changing the structures of our Government, some of which are being suggested by men in high position. One of those changes looks to the practical abolition of State lines by the giving to Congress power to control intrastate commerce as well as interstate, giving to the Federal Government power over even the smallest, most local, and most insignificant business. Another looks to extending the power of the legislative branch or the executive branch or both as against the judicial by either taking away from it the power to

declare acts of Congress unconstitutional or else so limiting it as to make the power ineffectual. Another change now being suggested would give to the Congress, with the consent of the President, or by two-thirds vote without his consent, the power to declare an emergency to exist and for the period in which they claimed an emergency to suspend the provisions of the Constitution.

Throughout the existence of the Constitution the Federal Government has constantly encroached against the rights and functions of the States. The extreme State rights contention was settled at Appomattox, but still the struggle has gone on, with the Federal Government constantly reaching out for more and more of the functions of the States. By preempting nearly all of the sources of taxation the National Government has put the States in the attitude of poor relations and dependents. By extending Federal aid in many functions formerly considered purely State or purely local the Federal Government has to a greater and greater degree assumed control of these activities. And the States have not only tamely submitted but have to a greater and greater degree come to Washington with their hats in their hands to beg for further Federal alms. No more pathetic spectacle has been seen in our times than that of Governors of great sovereign States of this Union coming to Washington to beg and plead on bended knees of an appointive official as to the terms upon which Federal funds would be extended for the relief of the distressed people of their States.

Even in the matter of interstate commerce, where Federal jurisdiction is strictly limited by the Constitution, there has been a constant extension by judicial interpretation. But the Supreme Court has established limitations beyond which these encroachments may not go. If now these limitations are to be removed and the whole subject of commerce be turned over to the Federal Government, giving an official in Washington the power to fix the price of pressing a pair of trousers in Springfield and enforce his decree with criminal process, the State governments might as well be abolished and the expense of a duplication of administration thus saved. I believe, as did the fathers of this Republic, that government is better as it is closer to the people and more burdensome as it is further removed.

Another suggested change in the Constitution is to take away from the judiciary its status as a coordinate branch of the Government by depriving it of its power to declare acts of Congress unconstitutional, or to so restrict it as to require some number larger than a majority before such decision could be made. Whatever may be the merits of the long dispute as to whether the framers of the Constitution intended the Supreme Court to have the power of declaring law to be in violation of the Constitution or whether it be true that John Marshall wrote that into the Constitution by construction, nevertheless it is a fact that by prescription and repeated construction it is a part of the Constitution. Nay, more; it is the very heart of the Constitution. Instances are not lacking in our history when a powerful congressional majority and a subservient or powerless President, or a powerful President with a subservient Congress, would have proceeded to extremes but for the action of the Supreme Court. It is the very key to our system of checks and balances. Under it the justices are appointed by the President and must be confirmed by the Senate. They in turn pass upon the validity of the laws, each branch with a check upon the other. We will be treading a dangerous course when we tear down that system.

Most dangerous of all suggested changes is that suggested by one so eminent as a member of the President's Cabinet, that when Congress may see fit to declare an emergency to exist it shall have leave to nullify the Constitution, set at defiance its every provision, usurp every power and in conjunction with the Executive to continue to exercise such powers as long as it claims the emergency to exist. But it is precisely in times of stress or emergency that the rights and liberties of the people are most endangered and that our constitutional guarantees are most in need. It would be better to have no written Constitution at all than to have one which can be suspended or abolished at will by the Congress and the Executive. In the splendid language of Mr. Justice Davis in *Ex parte Milligan*, "Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain terms that it would seem the ingenuity of man could not evade them are now, after the lapse of more than 70 years sought to be avoided. These great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrevocable law. The history of the world has taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine, involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory on which it is based is false; for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence." Those words are as wise and as true today as when penned by Mr. Justice Davis in 1868.

My friends, we know both from the history of the world and from observation in our own country that extraordinary powers granted to or assumed by a good legislature or a good executive for beneficent purposes and beneficently used by him may be

seized by a bad legislature or a bad executive and made an engine of tyranny.

We frequently heard it said that it was the custom of the ancient Roman Republic in time of danger to appoint a dictator with absolute powers as a measure of safety for the Republic. This is true, and I doubt not that there were times when this system worked well, but one fateful day there came a bad dictator who did not turn back his extraordinary powers and the Roman Republic was no more.

We have seen in the very present in an American Commonwealth a constitution sponsored by a Governor of good intentions and not misused by him, seized by a man of ravening ambition and used by him to destroy every vestige of a republican form of government and establish a dictatorship more complete than that of Mussolini or Hitler—only to be ended by assassination.

If the Constitution needs change, let us change it, but let us not authorize any Constitution to be nullified at will by a mere declaration on the part of Congress that an emergency exists.

James Madison once wrote: "The people who are the authors of this blessing must also be its guardians. Their eyes must ever be ready to mark, their voice to pronounce, and their arms to repel or repair aggressions on the authority of their Constitution."

The American people have been devoted to their Constitution. They know that wise men conceived it, strong men have administered it, brave men have fought for it, heroes have died for it. And it is my hope and belief that it will be long, indeed, before they consent to change the fundamental spirit in which it was conceived and the principles on which it was founded.

ADDRESS BY SENATOR DUFFY AT DEMOCRATIC CONFERENCE AT WISCONSIN RAPIDS, WIS.

Mr. ROBINSON. Mr. President, I ask leave to have printed in the RECORD an address delivered by the Senator from Wisconsin [Mr. DUFFY] at Wisconsin Rapids, Wis., on January 25, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman and fellow Democrats, it is indeed a very good test of Democratic loyalty and Democratic spirit to find such a large and enthusiastic audience here at a time when the weather and the elements have made travel not only uncomfortable but very difficult. I am told that it was 31° below zero early this morning, and it is somewhere near that temperature at this time. I am also informed that there are more than thirteen hundred delegates and alternates registered from every part of Wisconsin. This is a remarkable demonstration of loyalty to the principles enunciated by the Democratic Party. In my opinion it is also a tribute to the able leadership and executive ability displayed by Mr. James A. Corcoran, chairman of your State central committee.

This conference has a very important and solemn duty to perform. A like conference which was held about 4 years ago in the city of Fond du Lac was extremely important, because of the effect it had in shaping sentiment in behalf of the then Governor of the State of New York. Many other States at that time were closely watching the recommendations which would be made by that great Democratic conference. There is no question in my mind but that the action of the Fond du Lac conference in January of 1932 was extremely important in crystallizing sentiment in favor of Franklin D. Roosevelt as the Democratic nominee for President.

Four years have passed since that time, and nearly 3 years have passed since President Roosevelt commenced his term of office, with a Democratic national administration to back him up.

The question before the American people is, Does the record of accomplishments made by President Roosevelt and his administration entitle him to an endorsement by reelection?

I will not take up your time today in recounting in detail the sad situation that confronted our country when President Roosevelt and the Democratic national administration assumed direction of the affairs of this country. The bitter experiences of our people are seared too deeply into their memories and their very souls for them to have forgotten.

Agriculture had been fighting a losing battle from the time of Harding, and it was practically prostrate in March of 1933. Business and industry were not only discouraged and disheartened but were on the verge of bankruptcy. The people had lost confidence in our banking institutions and the banks in large numbers were closing day by day. Over 13,000,000 unemployed walked our streets and nobody had been doing very much to relieve their distress.

I want to say to you that the credit of our Government and of our financial institutions was so low when March 4, 1933, arrived that we were on the brink of financial chaos. I recall that on March 2, 1933, just 2 days before the Hoover administration went out of office, it was necessary for our Government to do some short-time borrowing. When the credit of our Government was good, we had been able to obtain loans at a rate as low as one-eighth of 1 percent on what is known as 91-day bills; but at that time the Government's credit had become so shaky that interest at the rate of 4¼ percent was demanded. In terms of percentage, this meant a jump of nearly 3,000 percent increase, and any further movement in that direction would have meant that the Government's credit would have been shattered. This shows the really dangerous situation that we were in, because when a people begin to lose confidence in their government, then that government and that nation are in real immediate danger.

I have before me a table that was printed just this week in the Philadelphia Record. It compares a period under the Republican

administration of Herbert Hoover from April 1, 1930, to April 1, 1933, when the new administration actually began to function, with a period of 2 years and 8 months—that is, from April 1, 1933, to December 1, 1935—under the New Deal, the comparison being made on a number of articles and items.

I am not going to give all the figures that appear in this table except to read the percentages, which tell their own story in a graphic way. The first item is "unemployment." On April 1, 1930, under Hoover there were slightly more than 3,000,000 unemployed, and by April 1, 1933, there were 13,000,000. In other words, under the Old Deal in that 3-year period unemployment had increased 313 percent, while under the New Deal unemployment had declined 30 percent.

Let us consider agriculture. During that period under Hoover the price of cotton declined 61 percent, and under Roosevelt it has advanced 92 percent. Wheat, under the deal that provided "two chickens in every pot", declined 59 percent, while wheat under Roosevelt and his administration has advanced 111 percent. Corn, under this period of the Old Deal, declined 73 percent, and under the New Deal the price of corn has advanced 152 percent. Will agriculture forget what has been done for them? Will the farmers of America forget that last year they had \$2,000,000,000 more in their pockets than they had in the last year of the Republican administration?

Well, let us see what is listed under the heading of "Industry." Under that period of the Old Deal, industrial production declined 44 percent, under the New Deal it has increased 51 percent. Steel production under that period of "good old times" declined 70 percent, but under Roosevelt and the Democratic administration, it has advanced 257 percent. Auto registration under that period of the Old Deal declined 66 percent, and under the Democratic administration in Washington, it has increased 326 percent.

Now, let us examine the item of commerce. Wholesale prices during that period under Hoover declined 34 percent, while wholesale prices under Roosevelt have advanced 33 percent. Total exports under that period of the Republican administration declined 56 percent, and under the New Deal they have advanced 33 percent. The total imports under the Republican administration declined 52 percent, but total imports under the Roosevelt administration advanced 37 percent.

Let us look into the security market. From March 1, 1930, and mind you, this was nearly 6 months after the stock market crash of 1929, the average listed stocks declined by March 1, 1933, 75 percent, but under Roosevelt they have advanced 134 percent. During that same period under Hoover, listed bonds declined 22 percent, while under Roosevelt they have increased 22 percent.

Power production from January 1, 1930, to January 1, 1933, declined 9 percent, and under Roosevelt it has increased 19 percent.

Do not these cold figures tell a story that no amount of argument and camouflage can hide? Oh, but our Republican friends say, "Yes; there may have been some bettering of conditions, but you have deficits now, while under our administration we had surpluses." But what are the facts? It amuses me very much when Mr. Hoover speaks of balancing the Budget. During the fiscal year ending June 30, 1931, was there a surplus? No; indeed, there was a deficit of \$902,716,845. For the fiscal year ending June 30, 1932, under Herbert Hoover there was a deficit of \$3,153,097,507, and for the 8 months of the fiscal year up to March 3, 1933, there was a deficit of \$2,163,760,084. All during that period of 2 years and 8 months, up to the time Roosevelt took charge, a deficit of \$6,219,574,436, or about \$1,000,000,000 more than this administration has spent on relief to date, was incurred by Herbert Hoover.

It has been said many times that comparisons are odious. I should think they would be to our Republican friends, when they must contrast and compare what the Republican national administration did to this country alongside of the record of what Roosevelt and the Democratic administration has done for this country.

Several months ago I noted that Mr. Henry P. Fletcher, chairman of the Republican National Committee, had appointed a group of industrialists and business men to raise funds in order to defeat Roosevelt and his administration. Mr. Fletcher stated that most of these men had not mixed into politics before, but that they were sore at the way Roosevelt had "hurt business, harassed the propertied class, particularly security holders."

I believe Mr. William B. Bell is the chairman of this committee; he is also president of the American Cyanamid Co., which wanted Muscle Shoals. Well, let's see how that company has been ruined by the New Deal. On March 4, 1933, the common stock of American Cyanamid was $3\frac{1}{2}$; yesterday it was $34\frac{1}{2}$. Can't you imagine how indignant the stockholders of that company are when the price of their holdings has gone up 10 times?

Another on the committee is Mr. Ernest H. Weir, who, I believe, is head of the National Steel Corporation. On March 4, 1933, the stock of that company was selling for $15\frac{1}{2}$; now it is something around 33. In 1932 the net income of that corporation was \$1,662,920; for the first 9 months of 1935 it was \$8,603,758, or nearly seven times what it was in the last year of the Hoover administration.

Another member of the committee is Mr. Sewell L. Avery, president of Montgomery Ward & Co. On March 4, 1933, the common stock of that company was 8 $\frac{1}{2}$. I looked in the paper yesterday and saw it quoted at $38\frac{1}{2}$. For the 13 months ending January 1, 1933, Montgomery Ward had a deficit of over \$5,000,000. For the 12 months ending January 31, 1935, the profits of that company were over \$10,800,000. Why shouldn't the shareholders of

Montgomery Ward be angry? For that year they were only about \$16,000,000 better off than during the last year of the Hoover administration.

And then the chairman of the board of Westinghouse Electric & Manufacturing Co. is also on the committee; his name is A. W. Robertson. The stock of that company, since the Roosevelt administration came in has increased from $13\frac{1}{2}$ to nearly 35.

For the year 1932 Westinghouse was nearly \$9,000,000 in the red; for the first 9 months of 1935 Westinghouse showed profits of nearly \$9,000,000. Think how the New Deal has destroyed that company!

In his address to the joint session of the Congress last January 3, the President issued a challenge which I have not heard accepted. He asked the opponents of his administration to tell which of the laws which have been enacted they would advocate should now be repealed. Since then the A. A. A. has been declared unconstitutional. The decision of that case is now the law of the land; at least until such time as the Court may reverse itself, or unless legislation can be devised to help agriculture, which will come within the rules laid down by the Court.

I have no disposition to criticize any court for its honest decision, although I will say very frankly that the opinion of the three judges who wrote the minority opinion seemed to me, as a lawyer, to be the opinion that should have been adopted by at least a majority of the Court. I really think the majority opinion was strained indeed, but nevertheless, it is now the law of that case. This administration will not be satisfied, however, to again permit agriculture to shift for itself while it still needs help and assistance.

It is very significant that the opponents of this Democratic administration in this coming campaign will speak in generalities; they will not get down to fine points. None of them will advocate the repeal of the Civilian Conservation Corps law, which has meant so much to the youth of our land, as well as preserving our forests and other natural resources for generations to come. I take it we will hear no voices raised urging the repeal of the bank insurance law. Even the Republicans say that it was a great piece of legislation. This law insures bank deposits up to \$5,000, and 98 percent of the bank deposits of this country are for less than \$5,000. In the Senate at the last session of Congress, I heard a Republican Senator, Mr. VANDENBERG, of Michigan, say, "From my observation, I think I have never seen a difficult and perplexing public responsibility more ably discharged than during the 18 months of the Federal Deposit Insurance Corporation, presided over by Mr. Crowley."

Will the opponents in the next campaign dare to advocate the repeal of the Farm Credit Act, or the act creating the Federal Housing Administration? Will they criticize the H. O. L. C. Act which saved so many homes for the modest home owners of our Nation? Will they criticize the Farm Credit Act which brought relief to so many distressed farmers throughout our land?

Oh, no, we will hear nothing of that, but there will be many general charges that somebody has lost his liberty and he should now go around trying to find it. My friends, in this next campaign, we can look to a very bitter fight being waged against us.

After the conventions are held next June I predict our opponents will spend hundreds of thousands of dollars in the purchase of radio time, telling the American people that they should oust Roosevelt and the Democrats if they want to get back their liberty. I suppose they mean their liberty to have bank runs, the liberty to have the credit of this Nation destroyed, the liberty to have the people lose faith in their Government, and the liberty to have people go hungry and starve.

But they will not be successful. The average man and woman realize that there has been a sincere effort to improve their condition. Most of our people are aware that for the first time in many years in the Roosevelt administration there has been an honest, determined effort to make the lot of the common man and woman a little easier to bear, and that the New Deal has brought much of happiness and contentment to the firesides of hundreds of thousands of American homes.

No, my friends, the great mass of our people will not forget. Industrialists and bankers, who in 1933 were crying in anguished voices to be saved, and who now feel secure, may forget; but the formerly "forgotten man" will not.

My prediction is that President Roosevelt will be reelected this fall by a handsome majority.

I had a visit with the President at the White House 2 or 3 days ago. I told him I was leaving the next day for Wisconsin, in order to attend this conference. I told him, further, that I felt very certain that 4 delegates at large and 20 district delegates would be here endorsed and would be elected next April who, first, last, and all the time, would be enthusiastically for Franklin D. Roosevelt.

The President asked me to say to you that he hoped he would receive the same loyal support from the delegates here endorsed as he did from those selected at the Fond du Lac conference in January 1932.

NATIONAL DEFENSE—ADDRESS BY SENATOR WALSH

Mr. TRAMMELL. Mr. President, I ask unanimous consent to have printed in the RECORD an address entitled "National Defense", which was delivered by the senior Senator from Massachusetts [Mr. WALSH] on Monday evening, January 27, under the auspices of the National Radio Forum, sponsored by the Washington Star.

There being no objection, the address was ordered to be printed in the Record, as follows:

In the heart of every patriotic American is love of country. It is a deep and undying emotion. Implicit in love of country is defense of that country from any who plot it harm, whether from within or from without. Defense of the homeland from foreign aggressors who seek its conquest is as instinctive as defense of one's own life. It is the instinct of self-preservation. Defense of country means armed defense if the aggressor resorts to arms. Since the birth of our Republic a paramount function of the National Government has been the matter of national defense.

National defense is the subject of my radio talk tonight. In principle national defense is a simple and clear-cut proposition. But practical methods for its attainment is a many-sided question, affording countless controversies. I shall not attempt any lengthy historical review. Our concern is with the present rather than the past, and with facts rather than theories.

Certain events and realities, however, which have transpired in the years between the end of the World War and today are of transcendental importance to any intelligent and rational approach to the question of national defense in this year of 1936. All agree that when the World War was ended every loyal American citizen hoped and prayed that we had fought a war to end war, and that it might come to pass that the world would never see another war. Our prayers have not yet been answered. Our hopes have not yet been realized. Indeed, at the present time it almost seems that we are farther from instead of nearer to the goal of world peace.

The League of Nations was one of many attempted approaches to the goal of world peace. Disarmament by mutual treaty agreement was another approach to the same. Treaties to outlaw war was a third. Some centered their hopes on one expedient for world peace, others on different expedients. That none of these proposals have succeeded, and that some of them have conspicuously failed, admits of no dispute. The most that can be said is that they may succeed sometime when the world is in a different temper. The best that we can now say is that in some directions we have made limited progress toward the goal of universal peace. And even that modest assertion is hotly disputed by many.

The real pity of it is that so many high-minded Americans, strong in their devotion for peace, are seemingly so blind to the manifest realities of this day, to the present menace of war. So many cling to the notion that we can insure peace for our own country without any military preparedness. Idealism is fine, but what we need is practical idealism. As long as the rest of the world is in arms, then adequate means of national defense must be our best, if not indeed our sole guaranty of peace. In my discussion of national defense tonight I am not concerned with such raging controversies as to whether the League of Nations, as an agency of world peace, has been, will be, or can be effective, and if not, why and where lies the blame. Nor do I intend to argue the "pros" and "cons" of the Kellogg-Briand Peace Pact, whereby all nations professedly outlawed war as an instrument of aggression. Events have demonstrated the futility, as a practical matter, of this pact to prevent wars.

But what of world disarmament by compact, which looked so promising when the naval limitation treaty was signed in Washington in 1922? Suffice it to say that repeated efforts for 13 years to expand that treaty to embrace all naval craft, instead of simply one type of capital ships, have proven abortive. Conferences for the limitation of armaments on land and in the air have come to naught. Conference has followed conference, almost yearly, and all to no avail. With the Washington and London naval limitation treaties approaching their expiration this year we have seen this very month the complete collapse of the negotiations in London for renewal or extension of these treaties.

I freely concede that very many Americans attribute to our own Government some degree of blame for the failure of these agencies of peace by league and peace by pact and peace by voluntary relinquishment of the instruments of war to really remove the threat and danger of war and really to bring disarmament. Those who attribute to this Nation part of the blame for this failure to obtain world peace do not question our good intentions. They criticize our policies.

I do not personally hold any such opinion. It seems to me that our Government, since the armistice in 1918 to the present minute, has been unfailing, not only in its devotion to the cause of peace but also in its efforts to promote world peace and as a means to that end to bring about agreements for actual disarmament.

Let us now turn from the many efforts to obtain peace and look at the world about us. Is it not a fact that today all Europe, and the Orient as well, are shadowed by war or threats of war? Is not the world outside the United States, instead of moving in the direction of disarmament, expanding its armaments on land and sea and in the air? I believe the assertion, "that all the world is now an armed camp" is not exaggeration. How, therefore, can we consider the broad questions of national defense in their concrete application to our own Government and our own Army and Navy and air forces today, without dealing with actual facts rather than with theories.

The facts are that adequate national defense means today (1) a strong navy, and (2) a peacetime army, in terms of both regulars and reserves, which shall constitute a real basis of defense, and (3) a largely augmented air force in keeping with the tremendously expanding air forces of other nations. We are forging no weapons of attack, but we are urging potent weapons of defense. We are adhering to the doctrine that the way to insure peace is to be prepared against war; that by being strong to resist, we

shall have immunity from attack. Without taking further time in discussion of the reasons and circumstances which shape our present policy of national defense, I desire, in the time remaining to tell you precisely where our Army and Navy stand today in comparison with those of other nations, and precisely what it is proposed to do with respect to their further strengthening.

First let us consider the United States Army, which is composed of three elements: The Regular Army, the National Guard, and the Organized Reserves. The Regular Army consists at present of 12,000 officers and 140,000 enlisted men. These are our professional full-time soldiers. For reasons of economy the size of the standing Army has been kept at the lowest possible minimum. For a number of years up to last July there were only 118,000 enlisted men in the Army. The new Budget proposes an increase of 7,000 to 147,000 men for the next fiscal year. The duties of the Regular Army include the defense of Hawaii, the Philippines, the Panama Canal, Puerto Rico, and Alaska. Nearly one-third of the Army is absent from the homeland on this duty. The Regular Army also must provide garrisons for our coast and harbor defenses, furnish a nucleus for rapid expansion in time of emergency, take charge of training our National Guard and Organized Reserves, and provide a force sufficiently strong to hold or repel an invader in the initial phases of war. Our standing Army is one of the smallest of any country. It ranks about on a par with that of Turkey and is smaller than the armies of such countries as Yugoslavia, Czechoslovakia, and Spain. Russia, for example, has a standing army of about a million and a quarter.

Our National Guard is a civilian force organized under the States and subject to call into the service of the Nation in time of emergency. The National Guard at present has an aggregate strength of approximately 200,000, which is less than half that authorized by the National Defense Act.

In addition to the National Guard there are 85,000 civilians composing the Officers' Reserve Corps who hold Reserve commissions in the Army and may be called to active duty in time of need.

Turning to the Navy, we find that it was not until 1933, 11 years after the Washington Naval Disarmament Conference, that we initiated any substantial naval building program. During these 11 years, as we were striving for disarmament by treaty, our own Navy stood still while all the other nations were strengthening and increasing their navies. During the period between 1922 and 1933, the British Navy laid down 394,000 tons of new naval craft, and Japan laid 360,000 tons for her Navy, while the United States total was 173,000 tons. As a consequence of this slowing down of our own naval building program, in 1933 we had 351,000 tons of ships yet to be built under the London Naval Treaty of 1930. Our Navy, instead of being the equal of any navy in the world, was distinctly inferior.

But even our substantially inferior naval tonnage, compared with other naval powers, fails to reflect the inadequacy of our Navy. An actual comparison has to take into account a nation's merchant marine which is available in case of war as naval auxiliary. Much has been said about the development of an American merchant marine. I myself have been an earnest advocate of the development of a large merchant marine under the American flag, not simply for considerations of national defense but as an agency for the promotion of American foreign trade. The fact is that we have no merchant marine worthy of the name, whereas Great Britain and other maritime nations have a large merchant marine, which is an additionally important element of their naval strength.

Turning to our air force in the Army, we find that the total force on December 2, 1935, for the Army is 1,060 planes; of supreme significance is the fact that only 200 of these are of the modern type. Six hundred and eighty-five airplanes are now under construction, and this includes planes for the National Guard and the Organized Reserves. It is estimated that approximately 777 modern airplanes will be in the Army's possession by July 1 of this year. How shockingly weak is our air defense can be best understood when we recall the fact that special civilian and military boards, headed by former Secretary of War Newton D. Baker, appointed by our Government to make a study, have reported that our minimum need is 2,320 planes for the Army air force.

As to the Navy aircraft, the number of planes on December 31, 1935, was 1,068, of which 817 are modern or semimodern, and include training planes, and the number of planes on order to be built this year is 638. The necessary proper naval air defense is fixed at 1,910 planes. Happily, because of President Roosevelt's special interest in the Navy, the past 3 years have brought a marked change with respect to our own national defense embracing the Army, Navy, and our air forces. The policy of rigid economy at the expense of national defense has been abandoned by the present administration. Very definite strides toward strengthening our national defense have been made. President Roosevelt's experience as Assistant Secretary of the Navy during the World War has given him a knowledge and understanding of our national-defense needs that has resulted in a new and forward-looking program.

Again, with respect to the Army, fast modern tanks and combat cars are being procured and our forces are being equipped with weapons of increased range and fire power. The Secretary of War has recommended to the present Congress a Regular Army of 14,000 officers and 165,000 enlisted men, increases in the strength and an extension of the training of the National Guard and Organized Reserves. He asks that 800 new military airplanes be procured annually for 5 years. Even when we include the trained

reserves, which, in the case of the United States, includes the National Guard as well as the Officers' Reserve Corps, we find that our organized military forces comprise only one-third of 1 percent of our total population; and Italy has close to 15 percent of her population in arms; and even Sweden, a peace-loving nation, has organized military forces of 15 percent of her entire population.

The British Empire has 390,000 soldiers in active service, 632,000 in trained reserves, and 46,000 in its separate air force. Germany has 426,000 soldiers in active service and trained reserves reported as 1,850,000. France has 600,000 men in her Regular Army, 5,500,000 in trained reserves, and 34,000 in her separate air force. Italy has approximately 1,200,000 soldiers in active service, more than 5,000,000 in trained reserves, and more than 200,000 in its separate air force. Japan has a standing army of 280,000 and active reserves of nearly 2,000,000. Spain reports a standing army of more than 200,000 and more than 2,000,000 in reserves. Poland, a standing army of more than 260,000 and nearly 1,500,000 in reserves.

Following the failure of the Geneva Disarmament Conference in 1926, President Coolidge took steps to correct appalling deficiencies in our own naval defense. Under President Hoover there was a suspension, but President Roosevelt has pushed forward new naval construction, with the result that during 1933 100,000 tons of ships were provided for. In 1934 there was laid down a total of 66,660 tons. There remains to be built a total of 51 vessels, comprising 36 destroyers and 15 submarines. But even at the present increased rate in naval building it will not be until 1942, 6 years from now and 6 years after the expiration of and consequent abandonment of the existing naval disarmament treaties, that the United States will have a Navy of treaty strength. In addition to the treaty strength, there is still a general class of ships required to round out the fleet and to make it a balanced whole, namely, tankers, repair ships, submarine tenders, hospital ships, and marine transports, which our own merchant marine is inadequate to supply.

Here are some interesting naval figures: As of today the United States has 16 large cruisers, Great Britain 19, and Japan 14. We have 10 small cruisers; Great Britain, 36; and Japan, 22. Italy has 11 battle cruisers and 17 smaller cruisers. Great Britain has six aircraft carriers, with a 22,000-ton vessel now in process of construction; we have four; Japan has four.

Comparative total naval tonnage by no means accurately measures comparative naval strength. The speed of ships, their armament, and their obsolescence are all matters that have to be taken into account, and as matters now stand, we still have much construction to do before we can truly say our own naval strength is second to none.

My fellow citizens, it is a fact, not altogether discreditable, that we have been so engrossed in our own domestic problems during the depression that we have scant appreciation of what is happening in the rest of the world with respect to armaments. The startling fact that today confronts an observer of the world's attitude toward military preparedness is the tremendous pressure being exerted everywhere to expand combat air forces. In Russia, the recent appropriation of 14,000,000,000 rubles, which at their valuation would be \$2,650,000,000, is to be largely devoted to increasing the army from 940,000 to 1,300,000 and to bringing their air and mechanized forces far above even the present figures conservatively estimated at 4,500 combat airplanes and a number of tanks far above that of any other nation. In France, a recent allotment of \$415,000,000 was set aside as a special armament fund, of which \$150,000,000 is to be devoted to aviation and this in a country which is admittedly having a desperate fight to maintain some sort of a sound economic basis. The French plan to have 1,000 new combat planes by the end of the present year.

Dispatches from London reveal that just before the end of 1935, when \$130,000,000 was spent to launch a rehabilitation of the Royal Air Force, the British Air Ministry had agreed on a \$500,000,000 expenditure during the next 3 years. Within 2 years it was indicated there will be 71 new squadrons, requiring 2,500 new pilots. The plan was stated to form one new squadron a week until March 1937.

The recent determined and successful effort of Germany to rearm and place herself on a military footing, which has been taken by her neighbors as an evidence of offensive intention, is well known. Reports from that country indicate that the active professional army has already passed the half-million mark and that the air force, which reports placed at 2,000 combat planes on October 1, last, was to be increased by 1,500 additional planes in the following 12 months and a further accretion of 2,000 planes to complete the air program.

These efforts are over and above what people normally call the armament race. It has but one implication, which is that the dominant thought in these countries is that war is in prospect and they must be prepared for it no matter what sacrifices will be entailed.

All of this is not merely significant but is shocking in its revelation of the distance that our large and powerful neighbors in the international field have traveled toward what they must sincerely believe is large-scale combat. With forces such as these forming all about us, it seems to me it is the sheerest disregard of reasonable thought and sound statesmanship to believe that a relatively unarmed and defenseless nation, comprising the greatest wealth in money, in territory, and in raw material, can afford to be unprepared and neglect its own national defense.

Adequate national defense, in the present acceptance of that term and under existing situations in the world which are beyond

our control, is costing our Government a huge sum. There is no disguising the greatly increased expenditures which are inseparable from the modernization of our land forces, the expansion of our air forces, and the strengthening of our naval forces.

Stated in terms of dollars, the appropriations for the Army and Navy loom very large indeed, but the fact remains that our annual expenditures for national defense, even with the large increase, represents less than one-quarter of 1 percent of our Nation's total wealth and less than 2 percent of our Nation's total annual income.

We discover that many of our European nations, though they profess to be unable to repay to us the money they borrowed from us in the World War, find themselves able, under the pressure of what they regard as their own necessities, to spend on their armaments anywhere from 5 percent to 25 percent of their total income.

Let me sum up this problem of national defense as I see it. We are a peace-loving people. We have never in more than a century waged any war of conquest, or sought a quarrel with any other nation or people. In the conduct of our international relations we have always followed the precept "with charity to all nations, with malice to none."

We have sought to avoid those alliances and entanglements with foreign nations which might lead to war. We have taken the lead in encouraging efforts for the settlement of international disputes by courts of arbitration and the settlement of international quarrels by conciliation. We are now struggling with the very important question of neutrality in the hope of mapping out a policy that will keep us out of wars between other countries. We must continue to leave nothing undone to keep us out of war.

We have made, and we must continue to make, many real sacrifices in the name of peace. Our participation in the World War was undertaken in the name of peace, to free the world, as we then believed, from the menace of future wars. In the name of peace we sank or scrapped some of our finest battleships and suspended for years new naval construction. If there was ever an honest and sincere effort to promote peace by example, we have tried it since the World War. The American people yield to no group or nation in the world in their desire for peace and their abhorrence of war.

We do not say that any of our past sacrifices for peace were wholly in vain. However, it must be said that world peace in an unarmed world is still in the realm of a future utopia. Meantime we must today, as we have done since the birth of our Nation, dedicate ourselves to peace, but be prepared to defend our homes and our country from attack in the calamity of war. We must continue to adhere to the creed that adequate national defense is the surest guaranty of peace. I submit, my fellow citizens, events have conclusively proven that America can make no greater contribution to enduring peace for her citizens than by maintaining forces amply sufficient for her own defense and security.

THE CONSTITUTION AND THE SUPREME COURT—ADDRESS BY SENATOR WALSH

Mr. KING. Mr. President, I ask permission to have published in the RECORD an address delivered over the radio Tuesday, January 28, by the senior Senator from Massachusetts [Mr. WALSH] on the subject of the Constitution and the Supreme Court.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PLEA FOR CONSTITUTION

I have chosen for my talk this evening the Constitution of the United States. It seems to me most appropriate that we should open this forum with a plea, necessarily brief, for the preservation of the Constitution.

The Constitution is the guardian of the liberties of every individual under the flag and is the stabilizing influence that has contributed most to our national expansion and progress. It is the keel which insures, protects, and guarantees the inalienable rights which inspired the patriots to arms against the mother country at Concord Bridge on the morning of April 19, 1775.

Our Constitution embraces the experience of countless martyrs of religious persecutions—the experience of the hordes of political prisoners whose only offense was the exercise of free speech—the experience of the peasants of France who toiled in the field and were required to give 78 percent of their crops in tax; the experience of prison-bound debtors, the victims of usury laws; the experience of all those who through the ages have been the victims of intolerance, race prejudice, and class conflict.

The apprehension of those who have opposed the various forms of tyranny which our forefathers came here to avoid—forms of tyranny which denied mankind free speech, free assembly, free conscience, freedom of thought and action, freedom of the press—is incorporated in the Constitution. In a word, our Constitution reflected the sorrows, the hopes, and the aspirations of all the oppressed throughout the world who were the victims of tyrannical governments.

Yet at no time since the Civil War has the form of government established by the Constitution and under which we have lived for 150 years, a representative form of government, with independent branches, been challenged so openly in and out of Congress. A great national emergency has apparently awakened a movement for removal of the limitations upon Federal authority imposed by the Constitution. Few stop to realize that this very agitation may ultimately result in destroying the constitutional safeguards of individual liberty. Of course, on the surface this is not con-

templated nor desired, but the sweeping changes proposed can lead to no other end.

It is not to be wondered at, therefore, that throughout the land there are many who are gravely concerned and apprehensive lest in the name of relief to humanity and under the representation that the suspension of the Constitution may be temporary, we forget the indispensable requisites of American liberty, namely, fidelity and protection to the Constitution whenever its fundamentals are attacked.

PROPOSALS TO CURB COURT

Let us examine some of the many proposals, more than 25 are now before the Judiciary Committee of the Senate, seeking to restrict, limit, or nullify our constitutional safeguards and the powers of the Supreme Court. A bill is now pending in Congress to deny the Supreme Court the power of passing upon or considering any plea that makes illegal an act of Congress. This would make any act of Congress lawful and enforceable no matter how much it abridged the rights of the minority.

Another proposal is that when the Supreme Court declares an act of Congress unconstitutional, if after an intervening election a subsequent Congress, by two-thirds vote reenacts it—then it is law, in spite of the Constitution and in spite of the Supreme Court. This proposal would force into discard all the present requirements for amending the Constitution through ratification by three-fourths of the States.

Another proposal is that the Supreme Court be divested of all power to invalidate any acts of Congress. In other words, it is proposed that Congress by majority vote be given the power to make any law it sees fit.

Another proposal is that no act of Congress be set aside as unconstitutional unless the Supreme Court is unanimous in its verdict. If such a proposal became law, a mere minority of one justice would possess the power to prevent an act being declared unconstitutional.

Various other proposals pending before the Congress approve the suspension of the Constitution and the conversion of the Federal Government into a strongly centralized system on the ground of the existence of an emergency.

STRUGGLE FOR FREEDOM

Nothing illustrates the confused state of mind of the world today better than this agitation against the Supreme Court and the Constitution. For centuries the common people throughout the civilized world fought, bled, and died trying to wrest power from the State in order to give more freedom to the individual. That is why our forefathers left Europe, why they fought the Revolution, why they set up the Constitution to protect the people from too much encroachment from government. In other words, to make the government exist for the people rather than the people exist as pawns of government.

And now in the twentieth century, after 300 years of sacrifice and unending struggle by the common people in every land where freedom was sought, by taking power away from kings and the state in order to protect the common man from tyranny, we see a growing movement in our own United States to reverse the process of freedom of the individual, limit State rights, and concentrate great power in a centralized government.

Those who objected to the American Revolution and opposed the Constitution were called Tories. Are we now reaching the stage where those who defend the safeguards set up in the Constitution for the common man are to be called Tories?

LIMIT TO FEDERAL POWERS

The powers of the Federal Government under the Constitution are few and explicit. The powers not delegated to the Federal Government by the Constitution are reserved to the States and to the people. Once the invasion of the Federal Government on the rights of the State becomes a habit there is no knowing how far-reaching the consequence will be.

Which of you, my fellow citizens, would be willing to surrender to the Federal Government the right to pass laws to regulate marriage or divorce; or the right to determine under what conditions our colleges, public and private schools should be operated; or to regulate the entire public-school system in Massachusetts or any other State; to permit your school teachers to be officials of the Federal Government and in no way responsible to the local or State government; or right to control, supervise, or direct the granting of franchises or the business of manufacturing or of agriculture in your own State; or the right to prescribe qualifications for local, county, or State office; or the right to regulate or determine your local system of taxation; or the right to make laws or regulations as to the distribution of real and personal property by deed or will; or to invest the Federal Government with power to send Federal troops into your State at any time it sees fit, to supervise, regulate, and control local concerns of your State?

Suppose Congress should pass any such laws. They would be legal and enforceable unless there was an appeal to the Supreme Court with the present authority for the Court to declare the law void because prohibited by the Constitution. If Congress can enact laws without regard to the Constitution, there is then no need of a Constitution and our citizens become subject to the temporary whims or despotic rule of the Congress. There would be no protection whatever to the minority, which is one of the outstanding and distinguished characteristics of our Government and the greatest safeguard against violent revolution.

The Constitution has been created by the American people as the supreme law of the land. The Constitution binds every de-

partment of the Government, State and Federal, as well as all officials in their public acts. The Supreme Court is bound by the Constitution, and any justice who approves an act while believing it to conflict with the Constitution violates a solemn oath which he has taken to God. Not the force of popular appeal, but the Constitution itself can test the validity of an act.

THE RIGHT TO AMEND

The Constitution was not framed as an immutable document. The very men who wrote it provided in the Constitution itself the means of changing it, but until it is changed in the manner prescribed, it must be scrupulously obeyed.

I am not arguing against the right to amend the Constitution or the right to discuss the opinions of the Supreme Court. Those rights are clear, definite, and absolute. Let us not forget, however, that the Constitution may be as effectually destroyed by the amending process as by direct attack. What we must preserve above everything else are the principles that are basic and fundamental—the forms which go to the hearts of our liberties.

Proposed amendments should be openly and fully discussed. It is not the proposal and advocacy of amendments that is the greatest danger. In my opinion, before any constitutional amendment is approved, three things should appear, viz: (1) That there is a present necessity; (2) that the amendment proposed will remove the existing or threatened evil; (3) that, if adopted, the amendment will not in itself produce a greater evil.

ATTACKS UPON THE COURT

Now, a word about the attacks of numerous small minorities upon the motives of the Supreme Court in interpreting the Constitution.

Differences of opinion between so able and so conscientious a group as the Justices of the United States Supreme Court is unavoidable. Unanimity in the reasons of decisions in important cases on the part of Justices of such diverse experience, predilection, and methods of approach is impossible to attain in every case.

In the 147 years of its existence the Supreme Court, in my opinion, has never been stronger compositely than at present in breadth of view, in freedom from bias, in intellectual capacity, in devotion to the furtherance of the welfare of the people as far as that comes within the province of a court, and in freedom from ambition for political preferment. If we cannot get the answer as to the constitutionality of an act of Congress from the individuals of such a Court, we cannot expect to get it at all.

If the Supreme Court proves mistaken in their reading of the highest expression of the public will as embodied in the Constitution and the Constitution itself no longer conforms to the new types of social and industrial legislation which the people desire, then, by the very terms of the Constitution the people are guaranteed the right to make their desires effective through the solemn process of amendment.

Whatever may be our views with reference to the constitutionality of some economic or legislative proposal, let us never lose sight of the fact that the last stand for the preservation of the rights of the minority against the temporary autocracy of a legislative majority with respect to fundamental political truths and principles depends on the United States Supreme Court.

OUR INHERITANCE

My fellow citizens, throughout all the world's history there has never been such a miraculous growth of wealth and social advancement through the spirit of individual liberty as that which we have enjoyed. This has been due, next to the bounteousness of the Almighty, to the rigidly fixed basic political principles of the founders expressed in our Constitution.

All this, my fellow citizens, has come through inheritance. Shall we treat this inheritance like the idle, shiftless sons of rich men do? If there is any spirit of the founders left in us, we should stand ready to make whatever sacrifices may be necessary to preserve the liberties that our forefathers purchased at tremendous cost, and the principles which are so clearly stated in our Constitution, and which has guided us through stress and strain for more than a century and a half.

If I know the temper of the American people, they are not going to allow to be destroyed the foundations on which our freedom, success, and greatness have been built.

GOVERNOR LANDON'S ADDRESS ON NATIONAL ISSUES

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD the speech made last night at Topeka, Kans., by the distinguished Governor of my State, Gov. Alf M. Landon. The speech was delivered before the Kansas Day Club on the occasion of the seventy-fifth anniversary of the admission of Kansas to the Union.

I commend Governor Landon's speech to my colleagues and to the country for its straightforward, patriotic, common-sense discussion of national affairs. This speech is a reflection of the position taken and the course followed by Governor Landon in public life. It is free from ordinary political claptrap and partisan bitterness. It points out in unmistakable language some of the fundamental errors in principle and in administration of the present national administration. At the same time it gives full credit for good intentions on many of the things attempted by the administration.

Permit me to say, Mr. President, that the sound common-sense political philosophy of Governor Landon, as expressed in this Kansas Day speech, is worthy of the careful consideration of the people of this country; and it is my prediction that it is going to meet with that consideration, and also with continuing approval.

I send the speech to the desk for printing in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Seventy-five years ago today Kansas was born out of a mighty struggle for human liberty. We gather tonight to honor the memory of those who won that fight. Rather than attempt to heap praise upon them, let us take a lesson from their accomplishments. After all, experience is still the greatest teacher. From thousands of prairie firesides is handed down this homely warning: "Change does not necessarily mean progress. A social philosophy is not always bad because it is old, nor good because it is merely new."

In the progress of human rights the road has not been continuously upward. It has not followed a straight course in the best direction. Rather there has been a general rise, with ups and downs, depending upon the composite wisdom of the people. There have been curves and detours along the ways where some have wandered off after false gods.

As did the pioneers, we must always keep alive the inner fire of individual conscience. We must subordinate material rewards and enthroned the things of the spirit. We need emphasis on common honesty, character, and devotion to principle.

FIT CELEBRATION

It is fitting that a celebration of the admission of Kansas to the Union should evoke thoughts about constitutions. Our forefathers had a passion for self-government as a corollary to the individual right of self-determination. That is not a Kansas ideal alone but an American ideal. Through this yearning for orderly national existence, security, and individual liberty has come the written covenant we term the "Constitution of the United States." It is the militant manifestation of great spiritual force. These ancient rights only remain safe today as the Constitution stays written in our hearts. The people have been bound to their Government by the sacred tie of voluntary devotion. But today there are powerful forces trying to convince our people that the Constitution is not their charter of human liberties. Should these forces prevail, the American Government then becomes a source of oppression such as now afflicts various other peoples throughout the world.

A government is free in proportion to the rights it guarantees to the minority. The Constitution was not framed to give us anything, but to protect inherent rights we already possessed. It was framed to protect minorities against a government momentarily controlled by impulsive majorities. For a century and a half the Constitution has protected American citizens against such oppression. Against repeated onslaught it has preserved the right of trial by jury; it has been the safeguard of the American home and of churches in their most sacred right of religious freedom; it has protected the freedom of the press; it has safeguarded individuals in their right of free speech, and it has been the guaranty of the right to conduct lawful personal affairs without interference by meddling bureaucracy. This, fellow citizens, is the Constitution which was established to make the United States a sanctuary for every honest individual and for every honest interest.

CONSTITUTION NOT OBSTACLE

Let me make this emphatic, the Constitution of the United States is not an obstacle to progress. It is the balance wheel of progress. No flouting of the Constitution whether by executive evasion, loose legislation, or insidious propaganda can destroy our safeguard so long as courage and common sense are cherished in the hearts of the American people.

As we assemble to celebrate the diamond jubilee of our State, we are conscious that we confront in the next national election the most fateful decisions of our generation. Deceiving words and luring phrases may cloud the issues, but they cannot hide them. A nation will survive to correct its political mistakes. But if an unsound financial program is coupled with them, the Nation faces destruction. We have seen appalling waste and extravagance. We are exhausting our capital on useless projects which advance us no farther on our way.

The Budget proposed for the next fiscal period by the Nation's Chief Executive is the final grim proof of the financial vortex into which we are being drawn. Its prediction of a deficit of "only a billion" is delusive. Considering the admitted needs for relief and other realities, the period undoubtedly will end with a deficit greater than those of each preceding year of this administration. Bookkeeping tricks may be used, but the huge deficit will remain.

FINDS RISE IN SPENDING

Despite promises of a 25-percent reduction in Federal expenditure, Federal expenditures continue steadily to rise. It is true economic conditions have improved, as they do after every depression. That has been reflected in great increases in Federal income. They have not, however, been able to match the increases in spending, thus repudiating the assurances of the Budget messages of 3 and 2 years ago. The gap between income and outgo steadily widens. The billions on billions already added to the national debt are in themselves dangerous. They are doubly dangerous as an invitation to even wilder dissipation of our resources.

It has been said that the demands for relief have imperiled our Federal finances. That is only a half truth. The money actually reaching the unemployed and impoverished has not rocked the Treasury. The rocking has been done by abysmal waste through changes of policy, maladministration, and ruthless partisanship. Relief appropriations have been more than ample, but all too many on relief and work projects have been denied adequate aid because bureaucracy has eaten up too much of the funds intended for relief. We need desperately a cheaper, simpler, and more responsible relief administration throughout the Union.

Taking at its face value the solemn promises of the administration that politics would be kept out of all relief activities, I continued the relief organization of my distinguished Democratic predecessor. Here in Kansas we thought differences over methods could only injure the deserving. So we accepted what was offered and made an administrative success of Federal plans equaled by few other States. The records will show that no State cooperated more fully with the Federal relief administration than Kansas.

CHARGES "PORK BARREL"

With the passage of the \$5,000,000,000 relief bill, however, came the melancholy discovery that a nonpolitical administration of relief was not intended. The W. P. A. was organized so that relief might be handled in familiar "pork barrel" fashion. It has permitted a party machine to spend the greatest peacetime fund in all human history. Our people are disappointed and amazed. They realize now that the promise to make human needs the sole guide for action has been broken. Victory is in the hands of the party spoliemen.

Nonpolitical relief administrators have been forced out. Citizens have poured the evidences of intolerable conditions upon Washington. The only result has been loss of poise and a resort to abuse by the administration and its spokesmen, who take the undemocratic attitude that all criticism is abuse and that all who do not agree have base motives and selfish purposes. They seem to forget that true democracy thrives on honest criticism.

With some of the avowed objectives of those in Washington no right-thinking person can quarrel. But there has been a constant shifting back and forth in decisions. Utterly wasteful policies have prevailed. There has been too great an attempt to pass off just criticism of the administration of relief by branding the critics hard-hearted persons who propose to let everyone starve. Epithets, evasions, and sophistries do not answer.

COMMON SENSE NEEDED

If there is any place more than another where common sense in Government is needed, it is in the relief problem. Although many millions of our people still depend on relief and the outpouring of billions is greater than ever, I do not believe that the problems presented are unsurmountable in this land of potential plenty. No good American wants any of his fellow citizens to be hungry, much less starve. But if there is to be no hunger, it is imperative that the administration of relief be purged of waste and partisanship.

The emphasis on relief has obscured the fact that employment, not aid, is our larger problem. The clinching proof of the New Deal's failure is that almost as many persons are out of work today as there were when it first set up shop in 1933. The key to real stability is not boondoggling but permanent jobs with the laborer worthy of his hire. Theories will not produce them, nor can unemployment be made to vanish overnight. "Help wanted" signs will blossom out of restored confidence in the Nation's finances. Work for those who want it comes from the assurance to business and industry that they may plan wisely for the future. Employment comes from the common conviction that the American system of representative government is secure. Confidence is far more important than the exploitation of a multiplicity of pretentious plans which do not work.

History and experience alike teach us that "Government is protection." When it ceases to protect it ceases to be Government. As a Nation we have begun to protect childhood but the obligation to protect old age lies straight before us. This obligation is the legacy from the machine age in which we live. It is an essential part of the unemployment problem of a great industrial civilization.

HOLDS DEFECTS SHOWN

The hope that we will deal with our unemployment problem successfully lies in the fact that the hardships and suffering of the depression have made us conscious of certain defects in our society brought about by the rapid growth in our industrial structure.

We are aware that we must make our just contributions to the solution of the problems of the times. Each generation in turn has its own problems to solve for posterity. No age has escaped this inspiring responsibility. If such there were, then that was an age of stagnation.

Our problem of unemployment will not be solved by rabid partisanship on the one hand or wishful thinking on the other. We may differ as to methods and procedure, but there can be no difference as to the imperative necessity for a solution.

Fundamentally, we must always keep in mind the answer we seek is not based alone on the query "Am I my brother's keeper?" The resolution rests on considering it in a major sense from the viewpoint of a problem created by the rapid development of our industrial machine.

PROBLEM NATIONAL

The problem is national in scope and should be solved on a national basis. This involves the most careful consideration of the limitations of the Federal and State institutions.

Solving this problem of unemployment and old-age pensions is both humane and economic and we shall solve it in spite of our past neglect and recent well-intended but utterly unworkable, hastily thrown together, makeshift legislation.

We have witnessed bureaucratic agencies vying one with another in efforts to excel in experimentation. Fuzzy thinking and unorderly procedure has characterized the manner in which all of the goals have been approached. There has been confusion, reversal of policies, haphazard administration, bickering, and repeated delay.

There is much discussion whether reform of our social and economic system should go before recovery, or whether recovery should precede reform. My answer is that the greatest reform that we could have is recovery. We are going to be many years unscrambling the eggs cooked up by the kitchen cabinet of this administration. One of the greatest failures of these cooks was that they were unable to tell the bad eggs from the good. The result has been indigestion for all of us.

DISCUSSES FARM AID

It is necessary for all of us who are concerned with agriculture's welfare—and every American ought to be—to work together in the development of a program that will be both sound and legal. And I have faith that we shall develop such measures and the courage to put them into effect.

The problem of agriculture certainly must be approached on a nonpartisan basis. No one can justify any attempt to make political capital out of the national anxiety for the effective solution of the agricultural problem.

Solutions are not devised as easily as a magician produces an egg from his mouth. Low prices for farm products and increasing interest and taxes have forced too many farmers to exhaust their soil. Farmers have realized this, but under economic pressure for cash crops have been unable to do anything about it.

Low prices have been caused by the practical loss of the farm markets, both domestic and foreign. Of the markets, the domestic market has always been far more important for our farmers.

SURPLUS FIXES PRICE

But even in the case of the major cash crops, on which a surplus has been produced, our domestic farm prices have largely been fixed by the prices bid by our foreign purchases. In other words, the surplus has set the price for the whole crop.

The proper application of soil conservation principles would help materially to prevent the production of such price-depressing surpluses. As I have repeatedly said, it should be possible to develop a national program of soil conservation on the more than 65 percent of the Nation's crop land which already has begun to lose its food-producing value.

Equally impressed with the public interest is the problem of flood control. Flood control fits right in with the soil program. According to Government studies, a sound national conservation program in itself would reduce the damage from floods 25 percent.

The situation today emphasizes the urgent need for a sound national land-use policy. Our soil must not be exhausted by wasteful methods. The farmer is entitled to expect for his crop a fair price comparable to the price of the commodities he buys. A policy that is not limited in its benefits to immediate cash returns, but seeks as well to rebuild the fertility of the soil and meets the problem of flood control also, is impressed with national interest and entitled to national support.

BACKS "COMPENSATING TARIFF"

Such a policy would fit in with the demand of agriculture for equality with industry. I am advised from reliable sources that the costs of about 200 items the farmer has to buy are increased about one-fourth by the operation of the tariff. Because the farmer has been forced to sell on the world market, is he not entitled to some countervailing provisions, to some compensating tariff equivalent, in order that he may receive an equal benefit?

The purpose of the tariff is to protect workers and industry from the cheap competition of foreign labor. The farmer should be given this same protection.

Is it any wonder that the immediate concern of agriculture is tariff equality with the other groups comprising this Nation? There are supplemental factors which would be helpful to the farmers, such as the greater industrial use of farm products, the rebuilding of foreign markets, and last but not least, lower taxes and interest charges. Even more basic would be an expanding home market growing out of restored confidence in our future.

There is no single solution of the farm problem. The perplexity in one part of the country is not always the same as the problem in the other parts. A well-rounded farm policy must take note of agriculture as a whole. The extensive experience of these latter years should make it possible to develop workable measures which will be better than any heretofore tried.

CITES COOPERATION

Kansas from the first cooperated with much of the Federal emergency program. We felt that improved conditions were of greater consequence than any partisan considerations. In my judgment, the policy of condemning everything the opposition party does, has never produced better government. Nor am I one of those who believe that the Republican Party has a corner on patriotism and intelligence. We should go into the campaign prepared to be as fair in conceding the good points of the opposition as we are courageous to point out what we consider its errors. But I do condemn half-baked legislation, maladministration,

and the dangerous short cuts to permanent change attempted in the name of emergency.

The administration has presented no permanent solution of our major problems. On the contrary it has created many new problems and its gross overcentralization of power reflects either ignorance or indifference in regard to our Federal system of government. All this in my judgment is actually delaying the return of prosperity.

Unfortunately, now as always, there are people today calling themselves liberal who regard any suggestion of economy as reactionary. They seem to think willingness to throw other people's money around without any consideration of value received is a peculiar sign of a pure heart. They show too little consideration for the toil which millions of American men and women will have to undergo in order to pay off the debt so gayly incurred. Already the average family spends one-fourth of its income for taxes, whether the family knows it or not. It will take much more than that to pay the bill which political wasters have contracted in the American people's name. Those in power responsible for this reckless extravagance are not liberals. They are more nearly benighted reactionaries.

BEGS THE QUESTION

When the record of the administration is challenged their only answer is, "What would you do?" That begs the question. Their program is not only ineffective, it is destructive of the American system. In the face of that fact, no reasonable citizen should ask us what to do. The American people propose to solve their problems under the American system.

Nor is the cry of "Tory" sufficient answer to those who question their delusions. If I know my fellow Kansans, and they are a good cross section of America, they do not approve anything smacking of a return to a system of exploitation of the many by the few. Nor do they want to go floating aloft in a stratospheric balloon of unkept promises. They think the alphabet has been overworked. They believe it is time to use simple addition and subtraction. They want neither reaction, on the one hand, nor radicalism, on the other. Let those who insist on the alphabet remember that America was built by energy, ambition, and enthusiasm, by courage, character, and common sense.

The choice ahead of the American people is not whether to keep on with the mistakes of the so-called New Deal or return to the mistakes of the old order. The old order belongs to the past, but sound American principles persist. The hands of the clock of political destiny move forward, not backward. But they must turn at a steady orderly pace. We have had too much palaver about old deals and new. Performance, to me, counts for more than phrases.

BACKS COURT RULINGS

The action of the Supreme Court in cutting away some of the errors in recent national legislation has given a healthful impetus to our entire economic life. The months following the voiding of the N. R. A. registered America's most marked upturn since the depression. In contrast, the 4 months following the passage of that act were marked by a drop in industrial production and employment equaled only by our greatest panics of the past.

What our Nation really needs today is better housekeeping. Our women could show the way. They have had more successful experience than any political spendthrift in getting full abundance out of living and in managing to put by something for a rainy day. Kansas has tried to do this kind of housekeeping.

Through the cooperation of her officials, from the smallest political subdivisions to the statehouse, Kansas has succeeded to a conspicuous degree.

Since 1929 Kansas property taxes have been reduced 32 percent. The per-capita cost of State and local government has been cut \$19, or 26 percent. Total revenues for State and local purposes in 1934 were 24 percent less than in 1932. Yet, while these tax reductions were being made, counties and municipalities reduced their bonded debt by \$17,000,000, or 12 percent, during the period from 1932 to 1934.

CREDIT NONPARTISAN

The credit, as I have repeatedly said, does not belong to any one political party or State administration, but to thousands of local officials all over Kansas. Savings were not made by skimping of necessary services, or dodging new responsibilities of relief.

Throughout 1933 and 1934, according to the report of the Federal Relief Administrator, 30.6 percent of the relief burden in Kansas was financed from non-Federal funds. On this basis Kansas ranked fifteenth among all the States. Contrast this record to that of 14 States which spent less than 10 percent of non-Federal funds for relief.

The time has come for a direct attack on the attempt at Washington to substitute a tax-eating bureaucracy for a liberal democratic system. Business recovery offers more promise of employment than a thousand wildcat schemes. The return of fruitful productivity in the United States will be directly translated into higher living standards for us all. There must be a revival of confidence in national credit, confidence in soundness of the dollar, confidence in the Government at Washington. These guarantee the perpetuity of our American system of democracy, and under that guaranty will come a flood tide of recovery.

WHEAT FROM CHAFF

The good wheat must be separated from the great stack of New Deal chaff. This requires wise and effective administration, free from partisan bias. The hysterical tone of government must be

eliminated. Our high officials must think with their minds rather than with their emotions. The times demand economy and efficiency so that the regular and extraordinary services of government can be fully performed without threatening a mighty people with national bankruptcy.

We must build a new and better civil service that will fill Government positions with trained, trustworthy, and capable employees, and offer to our youth a career in public service based on merit and qualifications for the job. The political spoils system and the spoilsmen responsible for it must go, in the interest of economy and efficiency.

There never was a time when Government so needed factual information and expert-trained service. We must not allow our rising prejudice against mere experimentation to blind us to this fact. Here in Kansas we have found that a research department to collect facts—not to administer theories—is of the greatest importance and aid to members of the legislature and to the chief executive of the Commonwealth as well.

We are still in the throes of personal government. Only a government of laws, not men, can rescue us from this plight. A mere change in officials in Washington will not suffice. The next national platform of the Republican Party should be a straightforward declaration that will set forth the careful thought and serious convictions not of one person, but of many. Behind that platform must be an honest intention to redeem its pledges, not to throw it on the junk pile the day after election.

With a renewed confidence and a reaffirmation of faith, let us turn from an un-American doctrine of division and classes. As a united people, common in our hopes as in our purposes, we shall move forward to that greater destiny which is our just heritage.

CONSTITUTIONAL ASPECTS OF THE NEW DEAL

Mr. LEWIS. Mr. President, I present an address upon national legislation and the Constitution. This address, by one of the most eminent attorneys of the United States and one of the acknowledged great chief justices of the Western States of America, was delivered before the Economic Club of Chicago on December 5, 1935, by Justice Floyd E. Thompson, of Chicago, Ill., now a member of the law firm of Poppenhusen, Johnston, Thompson & Raymond, of Chicago.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

You asked me to examine for you the present trend in legislation in the light of the Federal Constitution. Our first difficulty in making this study will be to orient ourselves. If we approach the task as partisans attacking or defending the program of the present national administration, we shall be unable to see the truth. If we limit our examination to events of the last 3 years, we shall be looking through an inverted telescope. New deals have followed raw deals and these new deals have turned out to be misdeals in National, State, and local affairs with disheartening regularity throughout our history. Because I am privileged to address this group of my neighbors and contemporaries who, I believe, are interested in an impartial and impersonal survey of current trends in government, I shall not yield to the temptation to break lances with the partisan politicians panting for public office who prattle pusillanimous piffle about Communists, Fascists, and dictators in our National Government and other hobgoblins created to frighten the credulous. Our citizens who staggered out of the debris of the raw deal of the twenties, bewildered and doubting, are impatient with a leadership that can offer no more than carping criticism of those who took the wheel in 1933, when the old ship of state was headed for destruction on the rocks of indifference, privilege, and laissez-faireism. Let it be understood at the outset that I do not approach this examination as a critic or champion of the wisdom or necessity of specific measures recently adopted. The subject for discussion is not partisan appraisal of the Roosevelt administration but constitutional aspects of the New Deal. The task you have assigned me is not to inquire into the wisdom or necessity of the measures adopted; it is to apply to them the tests of the Constitution.

The Constitution of the United States is not a straight-edge or a measuring cup. It is not some fixed standard, which one can lay alongside a statute or into which one can pour an administrative regulation to test its conformity. It is a living, growing charter of government, ever constant in its purpose, but ever changing in its application. It is a mere framework on which the Government under which we live is built. It is in very few respects self-executing. It contemplates legislation to carry into execution the spirit and purpose which gave it being. It grants certain specific powers to the National Government, specifically forbids the National Government from exercising other powers which might have been implied from the powers granted, and reserves to the States and the people thereof all powers not granted or implied. That the preservation of this dual system of government is necessary to the maintenance of our liberties is declared by men of both historic parties, but it must be conceded by students of our political history that there has been from the beginning a constant withdrawal of power from the States. The fourteenth amendment took from the States the right to determine who should be citizens of the State and to legislate without Federal restraint with respect to the life, liberty, and property of its citizens; the fifteenth and nineteenth amendments limit the right of the States to determine who shall vote; and the sixteenth amendment extends to the National Govern-

ment the right to levy a direct tax on incomes of the citizens of all the States. These were fundamental changes in our scheme of government. Obviously, the New Deal did not have its genesis in the present national administration.

Our National Constitution is the product of revolution. It was submitted and adopted in violation of the Articles of Confederation, which forbade any change in such articles, except such as were proposed by Congress and confirmed by the legislatures of all the Thirteen States. It has been the subject of debate and controversy from its adoption to this day. Being a framework of government designed for use under ever-changing conditions, there will be a difference of opinion regarding its interpretation and application to new situations as long as this remains a government of free men. He is indeed a confident man who undertakes to state with finality the principles of our Constitution. Those principles do not change but the opinions of men as to what those principles are and how they should be applied do change as conditions and circumstances change. The strength of our Constitution is its flexibility.

With the adoption of our Constitution there came into being a nation. There passed out of existence "the firm league of friendship" of States as political entities, each retaining "its sovereignty, freedom, and independence" provided by the Articles of Confederation, and there was erected in its place a government of the people. There was instituted one great consolidated government of the people of all the States instead of a government by compact with the States as constituent parts. "We, the people of the United States, . . . ordain and establish this Constitution for the United States of America" was the proclamation of the founders. But the framers of the Constitution wisely recognized the existing divisions of the people by established State lines and preserved to the people of the several States the right to regulate their own local affairs according to their own judgment. In this dual system of government there was and is a balance of power which gives strength and stability to our system, but the difficulty which our fathers found in determining what were the affairs of the people of the several States and what were the affairs of the people of all the States has increased many times in our day. It is still my deepest political conviction that the people of the several States should order and control their own affairs without interference from the National Government, and that the liberties of our citizens are imperiled when the votes of distant majorities, unfamiliar with local conditions and customs, dominate local governments. But I find myself more and more troubled when I try to determine just what are local affairs. What were the affairs of the people of a State yesterday may become national affairs tomorrow.

The spirit which gave birth to our Constitution was not ruthless individualism. That is the concept of the beast and the outlaw. The spirit of the American system of government is individual liberty founded on the concept of equal rights to all and special privileges to none. While liberty of the citizen is the cornerstone of our Government, yet it must be recognized that the freedom of action of the citizen living in his cabin on the shore of Lake Michigan in 1835 was, in the very nature of things, less restrained than that of the citizen living in a skyscraper apartment in Chicago in 1935; of the citizen driving his team along the country road at 4 miles an hour than that of the citizen driving his automobile along Michigan Avenue at 40 miles an hour; of the citizen farmer butchering a hog for his village neighbor than that of the citizen packer preparing meat for consumption by unknown thousands in many cities; and of the village blacksmith employing one helper than that of the manufacturing corporation employing thousands unknown even to the management. We must think in terms of today and tomorrow, not of yesterday. Quotations from George Washington and Thomas Jefferson and Abraham Lincoln, and others of revered memory, applying abstract principles to specific conditions in their day are neither helpful nor convincing when applied to wholly different conditions of this day. Affairs of the great body of our citizens 148 years ago when our Constitution was adopted—yes, 69 years ago when the first radical change came by amendment—were largely confined to their respective neighborhoods. Few of them had social or business contacts beyond their county lines, much less their State lines. As we view it now it was easy enough in the beginning to define the limits of the National and State Governments, but all will agree it is becoming more and more difficult to make the separation.

Furthermore, in the beginning the State boundaries were natural divisions of our people. The people of the United States were divided into distinct settlements, each having its local interests and problems. Today the State boundaries are altogether artificial. In no other human activity except government do we recognize them or know where they are. In everything except State government the people of southern Illinois are more closely identified with St. Louis than Chicago, and the people of northwestern Indiana with Chicago than with Indianapolis. Chicago land, embracing intimately parts of four States and less intimately but definitely double that territory, is in nearly every respect except that of government a better defined and more natural division of people than any existing State. Northern California is as distinct from southern California in origin and traditions of its people, industrial activities, and climatic conditions as Pennsylvania from Florida and Colorado from Louisiana. Let these examples suffice to show that we must recast our States and set them up with boundaries that have some reason for their establishment or we must accept the alternative of delegating the regulation of many of our affairs to the General Government because they are no longer the affairs of

the people of any one State alone. The Constitution prohibits the forming of a State by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as the Congress, and, it being improbable that any State will voluntarily extinguish itself, it appears that we must continue to suffer the burden of the extravagance and inefficiency entailed by the continuance of some absurdly small political units called sovereign States. And I need only add without discussion that counties, townships, and school districts as now set up are as outmoded as oxcarts, spinning wheels, and bed warmers. This matter of retaining small governmental units, once necessary and convenient, may be carried to absurd extremes.

If we were not such a restless lot our problems of government would be less complicated and our burdens of government much lighter. If we had not invented the cotton gin, the steel plow, and the reaper; built miles of railroad; discovered electricity and put it to work in so many ways; invented the telegraph, the telephone, and the radio; developed the gas engine and built more automobiles than all other peoples on earth; organized great industries and congregated people in great industrial centers; erected skyscrapers; invented fountain pens, typewriters, and linotypes; found the processes by which iron, copper, lead, oil, rubber, and other things too numerous to mention have been made available to mankind in seemingly inexhaustible forms and quantities; and developed livestock breeding and plant-life production to such high degrees; and discovered germs, glands, and vitamins—in short, if we had stopped human progress—we could still be living the simple life of the plainsman and not be bothered with all these problems that are increasing more and more the burdens of government and demanding of our citizens closer attention to their responsibilities as sovereigns in a nation of freemen.

These general observations are essential to a proper consideration of the constitutional aspects of the New Deal. Before we make specific application of constitutional limitations to any statute or program we must know what those limitations are, and we cannot know what the limitations of our National Constitution are until we read its language in the light of experience and present-day necessities and conditions. Certainly the provision granting Congress power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States" includes more subjects today than it did in 1787 or even in 1917. And the power "to regulate commerce with foreign nations and among the several States" is necessarily broadening as such commerce increases. Furthermore, with this broadening of granted powers by the advancement of science and the new concepts of society, what broader construction can properly be given the power "to make all laws which shall be necessary and proper for carrying into execution . . . powers vested by this Constitution in the Government of the United States or in any department or officer thereof"? It is for the President and the Congress to determine first what legislation, within the national field, is necessary for the general welfare, and their judgment is final unless the legislation is outside this broad and ever-broadening field or is in conflict with some constitutional limitation.

Let us examine some of this new legislation. The objections generally made are (1) that the Congress has delegated legislative powers to the President and others of the executive department, that the National Government has exceeded its granted authority and invaded the province of the States, (3) that the citizen is being deprived of his liberty and property without due process of law, and (4) that private property is being taken for public use without just compensation. Time will not permit mention of the 105 important acts and joint resolutions enacted from March 9, 1933, to August 26, 1935, and scores of others of similar import enacted since the turn of the century, nor detailed analysis of any of them. Many of these acts were amendments or extensions of existing legislation; fortunately some, but unfortunately too few, repeal existing laws; and others fall into that category of legislation to which we are accustomed and present no new constitutional problems. Most of the legislation which we should examine in this study can be grouped in more or less distinct classifications.

No class of legislation has done more to impair the principle essential to our dual system, that Federal power and State power are independent in their respective spheres, than the grant-in-aid legislation. The newcomer in this family is the Social Security Act of 1935, but it has many elder relatives. Through the years the grant-in-aid device has contributed to the establishment of colleges, the support of vocational rehabilitation and education, the advancement of agriculture, the building of railroads, the construction of highways, the fostering of maternity and infancy hygiene, and other projects, which all will concede are worthy in themselves and of general public benefit. This sort of legislation has been in our statutes for more than a century. The grants made to the States under the Maternity Act of 1921 are most nearly like those of the Social Security Act. This form of legislation is essentially a device for the distribution of Federal funds, and finds its support, if it has any in the Constitution, in the power of Congress to levy taxes to provide for the general welfare. The grant is made in order to encourage the States to pursue policies which the Congress desires to promote. These grants are made on the condition that the State also contribute and that the joint fund be used as some bureau set up by Congress directs. Since the sixteenth amendment gave the Federal Government a taxing power limited only by the incomes of the people, this 50-50 system of Federal aid has grown tremendously.

Federal aid is a tempting bait and many time-proven fundamental rights have been bartered for a paltry helping from the Federal pork barrel. Our people do not seem to realize that all Government "gifts" must come out of their pockets. In my opinion, this whole system of Federal subsidies to the States is morally, if not legally, wrong. Twenty years ago these subsidies amounted to less than \$6,500,000 a year; in 1925 they aggregated more than \$110,000,000, and today it is impossible to determine the total, but it exceeds a billion dollars a year. Vicious as the system is for the extravagance it breeds, its worst feature is the invasion by the Federal Government into matters local in character. Wholly apart from the question of power, the only way to assure proper accountability for the expenditure of public money and to maintain virility in State and local governments is for each unit to provide its own revenues for its own purposes. It is humiliating to any self-respecting citizen to see our governors and mayors going to Washington to beg for their handouts.

The purpose of the Social Security Act, as stated in its title, is "to provide for the general welfare by establishing a system of Federal old-age benefits and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws." Few persons will quarrel with these worthy objectives, but many will question the power and wisdom of the Federal Government undertaking them. Some of these purposes are the subjects of statutes passed under former administrations, but this is the first attempt of the Federal Government to establish a comprehensive social-security program. There are eight kinds of new grants-in-aid provided in the Social Security Act. In five instances grants are conditioned upon the cooperating State appropriating to a joint fund and submitting to Federal dictation in spending its own money. These five include grants-in-aid of State expenditures for promotion of maternal and infancy hygiene and for assistance to the aged, the blind, the dependent child and the crippled child. In two cases, public-health services and child-welfare services in rural areas, the grant is conditioned only on the States spending the funds for these purposes. The eighth grant is designed to finance the entire cost of administration of unemployment compensation in States which provide plans approved by a new Federal commission set up by the act.

For the first 100 years of government under our Federal Constitution social security was considered a matter of local concern. Strange as it may seem, there was a time when most of us were considered capable of looking after ourselves. We should not now accept the theory that whenever something is conceived to be of advantage to the people, that is of itself a reason why the National Government should do it. Only those provisions for the general welfare of the people which in their nature cannot be made as well by the several States should be made by the Federal Government, and then it alone should make the provisions and not in partnership with the States. There is no sanction in our plan of government for these 50-50 arrangements.

Tempting as it is to discuss the social and economic aspects of this form of legislation, our inquiry is as to its constitutionality. In this field our first problem is, Who may raise the question? Our Supreme Court has already held that the Commonwealth of Massachusetts could not question the constitutionality of the Maternity Act because it was not directly affected by it, and that a taxpayer could not because she had suffered no direct injury as a result of its enforcement, but suffered if at all merely in some indefinite way in common with taxpayers generally. Assuming some way may be devised to present the issue, What attack can be made on the grants-in-aid provided by the Social Security Act? Since all grant-in-aid statutes are mere devices for the distribution of Federal funds, the first question is, Do the funds come from taxes collected, or from other sources? If from taxes, for what purposes can the Federal Government impose taxes? If for the general welfare, then what are the limitations? May the courts inquire into the purpose of the expenditure? If so, and the Congress has determined the purpose is public and national in character, can the courts review that determination? Can the expenditure be traced to the source from which the fund was raised? Is the collection of the tax from one class and its expenditure for the benefit of another a taking of private property without due process or for a public use without just compensation? In the Maternity Act case, which involved the same Federal-State relation as most of the provisions of the Social Security Act, the Supreme Court said the question of whether such legislation infringed on State sovereignty was a political question which does not admit of judicial review. Obviously the collection, plus the disbursement of Federal funds, results in Federal regulation of non-Federal subjects, and the whole scheme involves a stretching of the Federal Constitution to the breaking point if it is to be sustained.

The limits of this discussion will permit only an outline of the constitutional questions. Where the grant-in-aid amounts to a mere distribution of Federal funds it seems to have the support of established decisions. Where a special tax is levied, as in the case of old-age annuities and unemployment insurance, difficult problems are presented. The sums involved are staggering in amount but this goes only to the wisdom of the legislation, a nonjudicial question. Whether the fact that as many people who earn their living by daily labor are excluded from the provisions of these titles as are included denies to these titles the cloak of the general-welfare clause presents an interesting question. The

old-age annuity venture is a Federal rather than a Federal-State venture, and so it will undoubtedly be argued that the tax on the employer to support the fund is an excise tax on the act of employing workers, and the tax on the employee is an income tax. The tax on the employer is similar in principle to a tax on manufacturing and selling, on making gifts, on dealing on an exchange, and on transferring property, all of which have been sustained. A tax on income received for personal services has also been sustained as an excise tax. To date the Supreme Court has not declared a Federal tax measure invalid because of unreasonable classification. It seems that the old-age annuity title would be fairly secure if it stood alone. Its weakness is that it is a part of a regulatory measure. The unemployment-insurance title does involve a Federal-State relation which renders its validity very uncertain. In fact, it is difficult to see how it can be sustained in view of the decisions invalidating the Child Labor Tax Act and the Grain Exchange Tax Act. In each of these cases the act reviewed was held to be a pretended exercise of the unquestioned authority in Congress to levy an excise tax, with the object of accomplishing a regulatory end not properly within the powers conferred upon Congress by the Constitution. It may well be argued upon sound authority that the unemployment-insurance title reveals on its face that it is enacted for the express purpose of forcing the States to enact unemployment-insurance laws of a character demanded by the bureaucrats at Washington and not for the purpose of raising revenue, and that it is an unwarranted invasion of the reserved rights of the States in violation of section 10 of the Bill of Rights.

The required funds for the approval of the State statute by the Social Security Board can leave no doubt of the regulatory character of the title. Among other things, the act standardizes the methods of payment of benefits and of handling reserve funds and the types and conditions of work which the plan adopted may not force the employee to accept on pain of losing his benefit. The laudable purpose of directing public effort toward the prevention of destitution rather than the mere assistance of needy persons is manifest in this legislation, but the citizens of this Nation have not yet delegated to the Congress the authority to regiment all the people for the benefit of the few who need the benefactions of a paternalistic government.

Another device long used by the Federal Government to extend its power into private and local affairs is the proprietary corporation. The Bank of the United States is the first outstanding example of stock ownership in such a corporation by the National Government, and its character and its activities, many of them corrupt, furnished a subject of bitter political controversy from the Washington through the Jackson administrations. More recent examples are the Reconstruction Finance, Federal Deposit Insurance, Federal Farm Mortgage, Federal Housing, and Subsistence Homestead Corporations. The use of this device has grown in the past 20 years to such an extent that few know how many such corporations there are or what powers they exercise. They function like private corporations. Naturally their managers do not feel the accountability to the public that elected public officials should and usually do. These corporations ignore the distinction between public and private business. A conspicuous example is the R. F. C., one of the alphabet family which had cast off its swaddling cloth and was going strong when the present administration was in the embryonic stage. Through such corporations the Government engages in local and private activities which it could not enter otherwise. This device of indirect government is growing with possibilities of abuses and dangers to our institutions which few, if any, realize.

Here again there is the difficulty of presenting the issue of constitutional authority for these governmental agencies. The Bank of the United States Act was sustained more than a century ago under the implied powers of Congress on the ground that it was "a convenient, a useful, and an essential instrument in the prosecution of the Government's fiscal operations." And so it appears in the light of established decisions that these strange and dangerous instruments of expediency are safe from successful attack in the courts. They rest on the spending power of Congress which has been a subject of debate from the beginning. The Supreme Court has not chosen between the Alexander Hamilton view that the Government may spend its funds for any object, even though it cannot legislate on that object, and the James Madison view that the spending power is inseparably connected with the power to legislate. The present national administration, like its predecessor, seems to take the Hamiltonian view. If the Supreme Court adopts this view, the way will be opened for the complete subjugation of the States. Add to the power of Congress to confiscate all income of the people the power to spend the public funds for any purpose it deems for the general welfare and our priceless heritage of a separation of powers of government will be a mockery. The demagogue now buys his election to Congress with generous distribution of public funds. With the bars down, his taxing and spending will know no bounds.

With the extended use of the device of the proprietary corporation many constitutional questions will arise in the administration of these agencies of government. Conspicuous among those likely to present new questions is the Tennessee Valley Authority. This Federally owned corporation must stand not on any peculiar rule arising from the fact that it is a corporation but on some constitutional power in the Federal Government, such as the express power to collect and spend Federal funds to provide for the common defense and the general welfare, or the express power to regulate commerce among the States, or the implied power to provide the means necessary to these ends. As I read my Constitution

and its history, I find no authority in the Federal Government to engage in the business of generating, transmitting, and distributing of electric energy or in any other business as such. These administrative corporations are governmental agencies and under no theory consistent with the Constitution can they be operated for profit. They are not subject to State regulation as foreign corporations, cannot be taxed by the State or local municipalities, and are otherwise free from the jurisdiction of the States in which they operate. If such corporations can engage in business in competition with private capital and persons, then private business cannot survive in such fields.

The economic soundness of Government-owned corporations entering the field of industry is not within the scope of our study. We are concerned now only with the power of the Federal Government to engage in business. There are no decisions of our Supreme Court sanctioning such a course. Absence of approving decisions is strong evidence that thus far in American history it has not been considered lawful for the Federal Government to engage in undertakings of a proprietary character in competition with its citizens. Because it has been held that States and local municipalities may engage in the utility business, it does not follow that the Federal Government may do so. Nor is there constitutional authority for the "yardstick" concept or the "birch rod" philosophy which adorn the bedtime stories used to lull our citizens into acceptance of these new fields of Government activity. The Federal Government, being one of granted powers, must find its authority in some particular grants. Surely the ownership of power sites deliberately acquired by the Federal Government on navigable streams (and some of these navigable only by canoes operated by skilled hands) over which the Federal Government has power of regulation does not give it authority to engage in business. When the Federal Government builds a dam under the guise of aiding navigation, preventing soil erosion, controlling floods, fostering irrigation, and supplying materials necessary for the common defense, some of these extensions of the granted powers to doubtful objects, will the courts shut their eyes to the obvious intent to engage in the hydroelectric business?

The Tennessee Valley Authority Act states expressly that the corporation was created "for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of national defense, and for the agricultural and industrial development, and to improve navigation in the Tennessee River, and to control the destructive flood waters in the Tennessee and Mississippi Valley basins." Only the most liberal construction of the Constitution gives the Congress power to do what the title says is the purpose of this gigantic undertaking. But our courts will be blind not to see that these declared purposes are only the window dressing to conceal what is generally known—that the real purpose of the sponsors of this project is to put the United States in the business of generating, transmitting, and distributing to the consumer electrical energy in direct competition with privately owned utilities. The building of dams in mountain streams which have only a remote connection with navigation and the direct acquisition by the Federal Government of privately owned utilities and the financing of local municipalities in the acquisition of such properties, or in the construction of competing plants to provide an outlet for the product of these projects, show beyond question that those executing this program consider that the Federal Government has the power to engage directly in the hydroelectric business. The State through which the navigable stream flows owns the bed of the stream, and there is sound basis for contention that it owns the power generated by the use of the water of that stream. But assuming the right of the Federal Government to sell at wholesale the excess electricity generated at a dam which was in fact built for a national public purpose, this right is no warrant for exceeding the granted powers by reversing the process and making the byproduct the first subject of the project. If the Federal Government has the power to engage in the business of furnishing to the public electricity, gas, and water, it has a like power to engage in the clothing business and the food business, and in short, in every business, because all are necessary to the common defense and the general welfare of the United States. Our whole constitutional background is at variance with the notion that the Federal Government has power to invade the domain of private business in the several States.

We come now to the attempt to regulate and destroy public-utility holding companies. Inasmuch as I do not now have and have never had any other relations with such companies than paying my monthly gas and light bills, what I have to say on this subject is at least free from the bias of a hired propagandist. As I read the 700-word first section of this act, which sets forth the alleged need for this legislation, I am reminded of the sweet young maid who received a 20-page letter from her lover. Her mother exclaimed, "A 20-page letter from the boy friend! What does he say?" And the daughter demurely replied, "He says he loves me." And so I sum up this preamble: It says we hate public-utility holding companies. This is the most extraordinary piece of legislation I have ever read. It holds the record for violating more provisions of the Constitution at once than any prior act. It seeks to control business which has no connection with commerce among the States; to deprive public-utility holding companies of the use of the mails in negotiation or performing service, sales, or construction contracts for any public-utility or holding company, and in offering for sale or exchange securities of its own or subsidiaries or affiliates or any other public utility, or in acquiring such securities without regard to whether the thing sent through the mails is itself harmful or dangerous; to set up arbitrary and capricious rules for keeping records of the companies and their subsidiaries and affiliates, and otherwise reg-

ulate the internal affairs of such companies; to compel such companies to divest themselves of their ownership of properties; and to delegate legislative powers to the executive department. This legislation is obviously the executioner that is to eliminate competition from the business field which the Federal Government is to enter through its power projects already established on the Tennessee River, the Colorado River, and the Columbia River, and others to be established on the St. Lawrence River, the Missouri River, and elsewhere.

All will concede that public-utility holding companies have engaged in practices harmful to the public interests, as have other gigantic business combines, but it does not follow that the States are impotent to correct these evils or that the Federal Government must be projected into private business with its attendant inefficiency, extravagance, and despotism. Never in peace time has any political movement been supported by such a flood of propaganda emanating from officialdom. There are evils crying out for adequate remedies, but the extravagant publicity given these evils has put the average citizen in the position of the New Jersey farmer who agreed to furnish a New York restaurant with 1,000 frog saddles a week. Some days later he wandered into the restaurant haggard and worn and besmeared with swamp mud and tendered three frogs. The restaurateur asked, "Where are the others you promised to furnish?", and the poor farmer replied, "This is all there were. I was fooled by the noise they made." Eighty percent of the transmission of electrical energy and substantially all of the generation and distribution are purely intrastate in character. Properly organized and managed, holding companies perform highly useful and necessary functions with reference to financing, management, and coordinating the service of underlying operating companies; and common sense argues against, if the Constitution does not forbid, the destruction of this private business directly by legislative process or indirectly by the regulatory or taxing power of the Federal Government. All necessary regulation can be provided by the States, and there is no justification for adding this problem to an overstuffed Federal Government now suffering from a surfeit of local problems. The supine submission of the States to this and kindred Federal aggression and the neglect of the State authorities to provide the necessary protection for the public mean the end of the dual system which has characterized our governmental structure and which has stood as a bulwark against invasion of individual liberty.

The National Industrial Recovery Act has already been declared unconstitutional because in its administration there was an attempt to regiment all business, to fix wages and prices in local industries, to regulate and control commerce wholly intrastate in character, and to transfer to the executive department the power to make and interpret laws, as well as to execute them. The Agricultural Adjustment Administration Act will probably suffer the same fate for similar reasons and the additional reason that by this legislation the Congress has undertaken to exercise powers specifically reserved to the States and the people thereof. The National Labor Relations Act is equally vulnerable to these constitutional objections.

It is not surprising that the tendency toward the Hamiltonian theory that the National Government has power to do all things considered necessary to the common good, which has been growing since the Civil War period, should culminate, in times like those in which we have been living since the economic collapse of 1929, in measures which many believe destructive of free institutions and which, if continued, must inevitably effect a complete change in our plan of government. At a time of experimentation to relieve economic and social distress and to promote recovery therefrom measures are sure to be adopted without considering carefully their constitutional validity. This is not the time for partisanship. Those who would like to have us believe that the New Deal was inaugurated March 4, 1933, would have us forget history and accept partisan mythology. Both of the major political parties must bear responsibility for present tendencies. Both will share the credit for the preservation of our institutions if they are preserved. Their preservation must not be permitted to become a partisan issue. Patriotic men and women must make common cause to preserve our priceless heritage.

We need not question, and I certainly do not question, the patriotic purpose of those in this and the preceding administration who adopted extraordinary measures to meet extraordinary conditions. The times have not been favorable to consider reflection upon constitutional limits of legislative and Executive authority. Where a power was assumed from patriotic motives, the assumption found ready justification in patriotic hearts. Many who doubted yielded their doubts; but those who believe measures have been adopted which attack our system of government at the heart and who believe we cannot justify, under pressure of an emergency, the tearing down of time-proven safeguards of individual liberty cannot longer remain silent, lest these temporary measures become permanent. Complacency often comes dangerously near complicity. We cannot yield to the dangerous delusion that in some way or somehow our plan of government will bring wisdom and justice in public service. It is as true today as it was when first uttered that "eternal vigilance is the price of liberty." Liberty is not the natural state of man, but is a right which only organized government established and conducted by an enlightened and vigilant citizenry can provide and preserve.

My consideration of constitutional limitations has thus far been confined to the written Constitution. But there is an unwritten constitution which is just as important to our scheme of government as the document drafted by the Convention of 1787 and the amendments thereto. This unwritten constitution is the aggregate of

American institutions, traditions, and customs. It embraces the fundamental truths embedded in American hearts, that government derives all its just powers from the consent of the governed; that this is a Government of free men instituted to preserve the blessings of liberty to themselves and their posterity; that the best governed people are the least governed people; that the Federal Government should be confined to those relations which are essentially national and international in character; that all other powers of government should be reserved to the sovereign people acting through their State and local municipal governments; that the citizen should have complete freedom of thought; that his freedom of expression and action should be limited only insofar as unrestrained freedom would interfere with the rights of others; and that individual effort, initiative, industry, and ability should not be hindered by governmental regulations tending to establish a moribund mediocrity.

Large segments of these American institutions and traditions are not rendered immune from legislative change by the written Constitution, nor even by the doctrines of constitutional law established by the written decisions of our courts. We have seen that the device of grant-in-aid statutes and the proprietary corporation have given the Federal Government control over local affairs, individual action and private business which has palsied the individual responsibility which has marked the American with a resourcefulness hitherto unknown among men. We have also seen that the Federal Government has assumed powers incident to its powers to collect taxes, expend public funds, provide for the common defense, and regulate commerce among the States, which violate American institutions and traditions by so weakening the State and local municipal governments that they lack initiative and courage to discharge the functions committed to them. Perhaps the courts cannot apply this unwritten constitution in testing Federal legislation but the Congress can and should in enacting it. When a proposed statute is opposed to American traditions and customs and will effect a fundamental change in basic American institutions, it should be resisted in the Congress until it has been shown clearly that conditions call for a change in these basic institutions. The courts cannot protect us from departure from our traditional course except as some governmental act invades the field of individual liberty preserved by the Constitution. This negative judicial remedy is too tardy, hazardous, expensive, and cumbersome to be of practical benefit to the great body of our citizens. Our first line of defense is traditionally the people's representatives in Congress and there we must look for preservation of many of our most precious constitutional rights.

It is seldom that the constitutional validity of a statute can be judged from an examination of the words of the written Constitution alone. It is not likely that anyone who can read the plain language of the Constitution would doubt the invalidity of a statute which would require every citizen to embrace the Mohammedan religion or which would lay a duty on corn shipped from Illinois to any other State or foreign nation. But who can say what is the full scope of the power "to regulate commerce with foreign nations and among the several States"? What laws are regulations? What activities are commerce? What commerce is "commerce with foreign nations and among the several States"? Here we must go beyond the words of the Constitution and seek light from the unwritten constitution found in the traditions and customs of the American people and from the decisions of our courts. And this process which controls interpretation changes as the social, economic, and political philosophies of our people and our judges change. Within certain limits our judges must go outside the cloistered precincts of application of fixed limitations and act as statesmen by creating wise constitutional law through interpretation and construction. In his capacity of statesman the judge may err in interpretation or he may usurp authority which should be conceded to the written document. Regard for the public welfare under conditions of today—conditions vastly different from those of 1787 and 1867; yes, of 1927—may well prove an irresistible temptation to surreptitious amendment of the written document.

There is yet another field of constitutional law which is beyond the words of the document or the construction of its words. As it has been construed, the provision which declares that "no person shall be deprived of life, liberty, and property without due process of law" authorizes the courts to declare unconstitutional any statute which they deem arbitrary, capricious, or unreasonable. In pronouncing these decisions the judges act as statesmen and not as interpreters. Many doctrines of constitutional law embody tests of such a nature that the doctrine does little more than direct the court to decide the case before it as it thinks best for public interests.

There is evidence of a growing tendency through the years of a feeling on the part of most judges that no human being can achieve ultimate wisdom, and they are more and more unwilling to substitute their judgment for that of Congress and to veto changes deemed by the Congress to be necessary for the public welfare. Study of American constitutional law cannot leave other than a conviction that our body of constitutional law depends as much upon the patriotism and statesmanship of the judges of our Supreme Court as upon the wording of the document. This judicial process is merely further evidence that many of our traditional beliefs in the Government-citizen relation can be preserved only by the people's representatives in the Congress, which in the end means by the character and learning of the men the people send to Congress.

Significant facts to bear in mind in considering the constitutional aspects of any body of legislation having to do with the

Federal-State relation or the Government-citizen relation are that the Supreme Court, with few exceptions, has sustained legislation extending Federal regulation and control; that when once it has upheld an extension of Federal control over matters theretofore in the exclusive control of the States it has never retraced its step; and that when once it has upheld an extension of governmental regulation of personal liberty and personal-property rights it has never overruled that holding. This much seems to be settled. Decisions limiting or denying Federal power are likely under changed conditions to be overruled, but decisions upholding extensions of Federal power are not.

Many of the statutes which comprise the New Deal legislation delegate extensive administrative power to the President and others. The most conspicuous example is the N. I. R. A. and the Supreme Court has said that the powers delegated were legislative and the delegation extraconstitutional. This is the first time in the 148 years of our Supreme Court that this constitutional objection has been sustained. The document does not, in express terms, forbid Congress to delegate its powers. The judges have deduced from the provision which says, "All legislative powers herein granted shall be vested in Congress", by construction and interpretation, that legislative power is nondelegable. No one questions that the system of government outlined in our Constitution divides the agencies of government into three coordinate departments—the legislative, the judicial, and the executive—and it is generally recognized by students of government that this is our greatest contribution to the science of government. Notwithstanding this agreement on the form of our government, the problems of construction often presented throughout our history, when a statute has been challenged on the ground that it violated that theory underlying the Constitution which prohibits the exercise by one department of powers limited to another, have given rise to litigation which has had distinguished champions on both sides and has resulted frequently in division of our Supreme Court. Manifestly, the Congress is not permitted to abdicate or to transfer to others legislative functions with which it alone is vested and all good citizens deprecate the tendency on the part of the Congress to become subservient to the will of the Executive.

There is a middle course which should be followed. Legislation must often be adapted to complex conditions involving a host of details with which the Congress cannot deal directly, and the Constitution has never been regarded as denying to Congress the necessary resources of flexibility and practicability which will enable it to perform its function of laying down policies and establishing standards while leaving to selected instrumentalities the making of rules and regulations within prescribed limits and the determination of facts to which the policy as declared by the Congress is to apply. For instance, the Supreme Court has sustained the authority given by the Congress to the Secretary of War to determine whether a particular bridge constitutes an unreasonable obstruction to navigation and to remove such obstruction; the authority of the Interstate Commerce Commission in the exercise of the declared policy of the Congress in enforcing reasonable rates, in preventing undue preferences and unjust discrimination, and in requiring suitable facilities for transportation; the authority of the Radio Commission to determine the public convenience, interest, and necessity in assigning frequencies and wave lengths to different stations; the authority of the President to determine when conditions of production at home and abroad warrant a revision of the tariff up or down on some particular commodity, and scores of similar delegations of administrative powers.

Emergency does not give a power which the Constitution prohibits, but emergency does justify an exercise of power in a way that will get immediate results. In the complex life of today, and in emergency, the Government could not function efficiently without the delegation, in greater or less degree as conditions require, of the power to adapt the rule or the policy fixed by the Congress to the swiftly changing facts. From 1784, when Congress authorized President Washington to lay an embargo upon ships of the United States and of any foreign nation under such regulations as the circumstances required and to continue or revoke the same whenever he thought proper, down to this administration, there have been numerous instances of delegation of broad administrative powers to the executive department. There have been alarmists in every period of our history, as there are now, warning us that the other fellow was undermining the foundation and that the future security of the Nation depended upon the reins of government being transferred to them and their kind, but we have survived these alarmists as well as the policy which caused the alarm. We need not fear that our Nation will drift from its ancient moorings as a result alone of delegation of power by Congress to President Roosevelt in this emergency. When he took the helm millions of good citizens were out of employment and our whole economic and business structure was threatened with collapse. Something had to be done and done quickly. But at any time the tendency of the legislative department to shift its responsibility to the executive department is charged with great danger. When the power to make, the power to interpret, and the power to enforce the law are vested in an individual or a selected group tyranny is likely to follow. A study of the science of government will disclose that as these natural functions have been separated so has free government advanced.

The number and importance of the acts of Congress now being challenged and the regularity with which these challenges are being sustained has brought to the fore again the bewhiskered

question of whether the Constitution grants to the Supreme Court the right to void a statute which it decides contravenes the limitations set by the Constitution or whether that power was usurped by the Supreme Court in the formative period of our Government under the Constitution. The document does not in express terms grant this power, but it does vest in the Supreme Court and inferior courts to be established the judicial power of the United States. This power necessarily embraces the power to determine controversies, and the second section of the judiciary article specifically states that the judicial power shall extend to all cases arising under the Constitution and statutes of the United States. The Congress has only such powers of legislation as are granted by the Constitution, and to prevent an assumption of power in certain fields the power to legislate in these fields was either specifically denied to Congress or greatly limited. While the President and the Members of Congress take an oath to support the Constitution, and it is intended they will observe that oath, there is no provision of the document which even suggests that the judgment of the executive or legislative department with respect to such observance shall be final. It is certain that the people, in adopting a written constitution to protect themselves from the excesses of government, intended that some agency of that government should have the authority to enforce compliance with the limitations they fixed in the document.

If the limits set by the people in the fundamental law may be transgressed by those intended to be restrained, to what purpose is their power limited and for what reason is that limitation committed to writing? It is a proposition too plain to be disputed that if the legislative department is to pass any legislation it pleases, without regard to conformity to the letter and spirit of the Constitution, then written constitutions are absurd attempts on the part of the citizens to limit a power which is itself illimitable. To deny to the Supreme Court the power by majority decision to determine constitutional questions is to change our system of government.

In considering the constitutional aspects of the New Deal, let us look for a moment at the conditions which brought forth some of this legislation. There can be no question that the money grubbers and some of the overlords of business and banking, who are protesting loudest against the New Deal, have brought upon themselves and their fellow citizens the excesses of Government regulation. Their misuse of the power of wealth and position and their seeking after and securing special privilege at the hands of the Government brought on conditions which impoverished millions of our citizens and created a situation in this land of plenty that no self-respecting citizen can defend. There are those who still adhere to the Hamiltonian theory that the masses fare well when the wealth of the country is centered in the few or that prosperity trickles down from the top. My whole being rebels against this theory. There are others who believe with Jefferson that every man should have an equal opportunity under the law, and that prosperity and happiness are with us when the abundance of our country is available to all. With this I am in full accord.

Under the privilege-tariff policy, which first protected struggling industries essential to our well-being and later secured industrial monstrosities in their entrenched positions which they maintained by "campaign" contributions to their puppets, this Government was projected into partnership with business. This policy, which favored one part of our people over another, was contrary to the American theory of "equal rights to all and special privileges to none." As I view it, the only defensible protective tariff policy is one that equalizes the cost of production here and abroad. Such a policy protects in the interests of all the people of the United States and does not favor a part of our people at the expense of the rest. Though the privilege-tariff system was more subtle than the dole system, it was nevertheless a hand-out from the Government. Under it the Government was placed in the position of supporting a scheme which took money from the pockets of the many and put it in the pockets of the few. Those who adhere to this theory that the power to levy and collect imposts carries with it the power to subsidize specially selected business should be enthusiastic supporters of the Agricultural Adjustment Administration Act. The farmers are right in their contention that the privilege-tariff policy which has been "sauce" for the industrialists has been "apple sauce" for them. I consider all forms of Government subsidy of private business wrong in principle and unconstitutional in the broad sense. Our experience has shown that when any business is supported to any degree by Government bounty the beneficiary is never satisfied, but is constantly clamoring for more help. Its partiality and artificiality necessarily result in creating a dependent attitude with its attendant weaknesses.

It will take a major operation to correct the evils of the era of the survival of the fittest, the law of the jungle, and no one ever came through a major operation, however successfully, without a great deal of pain and some damage. When and only when the powers of the Government, including the power to lay and collect taxes and to spend public funds, are exercised in the interests of the whole people and not in the interests of any favored part, will true happiness and prosperity return to our people. Then only will our Government be administered in the spirit of American traditions and the written Constitution.

Summing up, I regard the principles I have applied in testing the constitutionality of current legislation fundamental American principles of government. They cannot be ignored without changing the plan of government outlined in our Federal Constitution. They were not new when our Constitution was adopted. All, except the principle which separated the powers granted the Federal Gov-

ernment from the powers reserved to the people of the several States, had been written into the constitutions of the Colonies and had been established as fundamental American doctrines for a century and a half before the Colonies declared their independence. In view of my known activities as a member of the Democratic Party, I trust you will pardon the personal reference if I remind you that I am reannouncing in this discussion the principles of government to which I have long adhered. I stated them as chairman of the Democratic Illinois State convention in 1924 and as the candidate of the Democratic Party for Governor in 1928, and as a delegate to the Democratic National Convention in 1932 I voted for a platform which announced them. Given the opportunity, I shall again support these principles in 1936. I am not yet convinced that these fundamental principles of government are unsound.

Under a government founded on these principles this Nation has attained first rank among the nations of the world and our people have enjoyed a greater measure of happiness and prosperity than any other people. In no other country has it been possible for so many individuals of obscure and humble origin to rise to positions of wealth and influence. Our form of government is our most precious inheritance and our most sacred obligation is to preserve it for posterity.

In this study we have seen that the New Deal is not new and that it has not presented new constitutional questions. As the last stick of cordwood causes the overload which breaks the wagon, so have the latest additions to our paternalistic Federal laws shown the extent to which this mania for attending to other people's business may go and has brought home to our citizens once more the danger of centralizing their Government in Washington. The New Deal has rendered a distinct public service in awakening our citizens to a reexamination of our foundation stones. We have learned in this study that we cannot find security in the form of our government alone and that frequent recurrence to fundamental principles is essential to the maintenance of free institutions.

Whether this Government shall remain a representative republic or degenerate into a bureaucratic empire depends upon the wisdom and loyalty of the citizens. If the majority of our people regard the National Government as a representative republic of limited powers, it will remain so; but if our people conceive it to be a unitary, paternalistic state, it will become so notwithstanding the written Constitution to the contrary. Our Government gives much to the individual citizen and expects much of him in return. The real danger which confronts us is that too many of our citizens are more concerned with their privileges and immunities than with their duties and responsibilities.

There are too many slackers who refuse to interest themselves in public affairs, too many men who are so interested in their private affairs that they refuse to give thought to the political problems which must be solved. Without government there can be no private business, and the time is coming when this Government of free men will be transformed if the good citizen will not take time to attend to his public duty.

Our country's great need is that those blessed with positions of leadership take an attitude and cultivate a spirit, not of resignation to the seeming inevitable, but of aggressive hostility to every corrupting influence. Our scheme of government cannot long endure with individual initiative, individual responsibility, and individual sacrifice left. By no form of special pleading or specious argument can the lawyers escape their responsibility. We must step forward as individuals and take our stand for a Government under our Constitution which will secure to all our people the blessings of liberty, a fair share of our abundance, and the protection of the fruits of their industry. May a divine Providence open our eyes and our hearts, give us light to see the right, and the courage and wisdom to do it.

AMERICAN NEUTRALITY—LETTER FROM FREDERICK H. ALLEN

Mr. COPELAND. Mr. President, I ask consent to have printed in the RECORD an article on American neutrality by Mr. Frederick H. Allen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

To the NEWS AND COURIER:

Notwithstanding the boldness of the President's statement last week before the Congress referring to the nations that "have impatiently reverted to the old belief in the law of the sword", the neutrality bill introduced in Congress does not support these strong utterances. It provides for embargoes against all belligerents alike, no matter how flagrant the case of the aggression may be. The bill abandons President Wilson's doctrine of international justice, which had in view the support of the victim of wanton aggression which is now the attitude adopted by the members of the League of Nations. The bill proposes an embargo against all belligerents alike. This policy of total indifference to good and evil is evidently not that which was formerly counted on to bring about a reign of peace in the world. Under the League, an aggressor can be punished and the victim aided, but the proposed bill provides that the United States shall apply the same sanctions against the aggressor and the victim alike.

There is no doubt of an almost passionate desire of our people to avoid getting into war. What is the surest way of securing this result? Evidently by preventing a war from breaking out. It is better to prevent a fire in a neighbor's house than to try to prevent the fire from spreading to one's own house after it has started. It would be wiser to prevent a war from breaking out

than to seek to prevent it from spreading to our own shores and so disturbing our peace and safety after it has started. By the present neutrality resolution we seek to prevent a war from spreading to us after it has broken out.

If, however, power were to be lodged in the hands of the President to declare a state of war and in the hands of the President and Congress to name the aggressor when an aggression is perfectly plain, as in the present Italo-Ethiopian War, and the power be given in such case to allow the export of arms, munitions, and implements of war, and other material necessary for the conduct of war to the victim of such aggression, such a power would have great effect in preventing the outbreak of war. As we are the most powerful nation in the world today and the nation most plentifully supplied with the resources necessary to carry on a war, such a declaration would make any nation hesitate before rushing into the arbitrament of war. It will be said how can the President tell who is the aggressor? That may not always be clear; but if it is not clear, the President can prohibit the export of arms, etc., etc., to all belligerents alike. But when the case is clear, as in the present African war, the above suggestion would be a powerful deterrent against starting a war. If Great Britain had made it clear to Mussolini beforehand what would be its attitude in case he started a war in Ethiopia, there can be little doubt that Mussolini would have refrained from doing so. In the same way should we make our position clear in advance as to what we would do in the case of a war of aggression it would have a powerful influence in preventing it.

In the present case should a war be started and the embargo provided for in the neutrality resolution be proclaimed against all belligerents alike, the embargo would apply not only to Italy but to Great Britain, France, Greece, Yugoslavia, and the other nations that have agreed to act in concert. It is well to recall the catastrophe that resulted in our country upon the outbreak of the World War.

Farm prices were deflated, unemployment was serious, and the whole business of the country was depressed, and the result of the proposed embargo, it can be readily seen, would be even more catastrophic should the above-mentioned events come about. It may be well to remember what happened in the case of the embargo in the days of Jefferson. In the New England States there was talk of secession. The products of the planters and the farmers fell to half their usual price. Clothing, machinery, tools, etc., became very dear, and therefore the expenses of the planters and farmers increased while their purchasing power diminished, with the result that the Congress ended the embargo by large majorities. It would seem evident, therefore, that under the proviso of section 6 of the act that Congress would rapidly withdraw the restrictions that would make the embargo apply to all belligerents alike. If the above reasoning be admitted, it would seem wiser for us to proclaim beforehand that we would support the victim of an evident and flagrant aggression and to return again to the Wilsonian doctrine of international justice.

Should a world war break out, neutrality is an illusion. Peace can only be maintained by acting in concert with the liberal nations that seek to preserve it as against the nations that, as the President has said, "have impatiently reverted to the old belief of the law of the sword."

FREDERICK H. ALLEN.

CHARLESTON.

AGRICULTURAL PROGRAM

Mr. THOMAS of Oklahoma. Mr. President, the national farm organizations, acting through their informal group known as the National Agricultural Conference, adopted some very important policies in regard to agriculture during their sessions in Washington on January 16-17, 1936.

The statement of these farm organizations, unanimously agreed upon, provides a basis for national legislation in safeguarding the welfare of agriculture. The President of the United States, the Secretary of Agriculture, and all Members of Congress have been supplied with this statement, and its value is sufficient to justify printing it in full in the CONGRESSIONAL RECORD.

The farm groups which are members of the National Agricultural Conference and which participated officially in the deliberations last week are: The American Farm Bureau Federation, the National Grange, the National Cooperative Council, the Farmers National Grain Corporation, and the American Agricultural Editors Association. The National Farmers Union, through its proper representatives, attended the sessions of the National Agricultural Conference, participated as nonmembers of the conference in the discussions, and at the end of the last session of the conference applied for and was granted membership in the conference group.

The chairman of all sessions held by the National Agricultural Conference was Clarence Poe, editor of the Progressive Farmer, Raleigh, N. C., and the secretary was Chester H. Gray, Washington representative of the American Farm Bureau Federation. Present and speaking for

their respective organizations along with other official representatives were Edward A. O'Neal, president of the American Farm Bureau Federation; L. J. Taber, master of the National Grange; John D. Miller, president of the National Cooperative Council; C. E. Huff, president of the Farmers National Grain Corporation; Clarence Poe, member of the American Agricultural Editors Association; and E. H. Ever-son, president of the Farmers Educational and Cooperative Union of America.

I ask unanimous consent to have printed in the RECORD a copy of the unanimous report of the National Agricultural Conference which recently met in Washington.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNANIMOUS REPORT OF THE NATIONAL AGRICULTURAL CONFERENCE,
WASHINGTON, D. C., JANUARY 16-17, 1936

The National Agricultural Conference, representing the leading farm organizations of America, requested by last week's conference of farm leaders to further promote plans safeguarding agricultural welfare, hereby presents the following statement and appeals to you, and through you to the American people.

We first of all assert the unanimity of the organized farmers regarding the major objectives in the battle for equality for agriculture that has now been in progress for almost a score of years. We declare that in this long battle our farmers have become fully convinced of the soundness and the justice of two principles that we have neither inclination nor authority to surrender or to compromise, and to which we first of all direct attention. These two principles are:

1. The right of American farmers to be given machinery by which they can adjust supply and demand by legal means with something like the same effectiveness with which American industry adjusts supply and demand—but with provisions safeguarding farmer control and also safeguarding consumer welfare against extending adjustment into scarcity.

2. The right of the American farmer to receive for his products prices which will give him average purchasing power equal to that he had in 1909-14.

TWO MAJOR OBJECTIVES

We repeat that we have neither inclination nor authority to surrender or compromise on these two principles. For us to surrender them or for government to deny them can mean only one thing, namely, that the American farmer will be driven to economic chaos.

We have not advocated a policy of scarcity and of high prices to the consumer's hurt. We have advocated balanced abundance and just prices protecting the interests of both producers and consumers. In a period of enormous surpluses, such as faced us in 1933, any policy of genuine crop adjustment had to be downward. But, in like manner, where crop deficiencies develop, adjustment should be upward. And consumer welfare has been safeguarded by providing that such reduction of surpluses as has occurred should aim only at giving the farmer purchasing power equal to that he possessed in 1909-14. In these years the farmer's price returns were certainly not excessive.

DETAILS OF LEGISLATION

This conference has not attempted to define the details of legislation. The leadership of the farm organizations represented, acting within the general principles here set forth, will be available to the Congress for this purpose. We are, however, in agreement as to the following basic principles:

We, therefore, recommend:

1. Agricultural adjustment:

(a) Unity of action by all groups represented in this conference to secure expansion of outlets for farm products in both the domestic and foreign markets in such manner as would be beneficial to the domestic market and profitable to the producers of these products in net average returns.

(b) The development by Congress of the most effective legal means for Government to assist farmers in adjusting the volume of production to the demands of markets. We believe this can best be achieved through a comprehensive and well-coordinated program providing for the withdrawal from commercial production, at equitable rates, such lands as may be necessary to enable the stabilization of farm commodity prices at parity levels.

(c) Continuance and expansion of a policy of commodity loans to handle seasonal surpluses in such manner as would be most effective in stabilizing farm commodity prices in the interest of both producers and consumers.

2. Whether such program is based upon the conservation of soil fertility or otherwise, to be permanently successful and to best protect the interests of the family-size farm, which should be a constant objective of government, legislation must be coordinated covering all phases of this recommendation.

EQUALITY IN CREDIT AND MONETARY POLICIES

Because of the present emergency with respect to agricultural adjustment, we have, first of all, referred to our two major objectives relating to that subject. Another principle for which organized agriculture has battled from the beginning is the following:

3. The farmer is entitled to a national credit and monetary system which will (a) provide credit to agriculture at the lowest

rates possible consistent with sound-financing policies, and (b) will provide an honest and stable currency to safeguard him against the fluctuations in monetary values which have bankrupt millions in the past. To this end the farmer insists upon the support and maintenance of our Farm Credit Administration and an enlarged degree of farmer control of its operations. American agriculture, while demanding a monetary policy fair to debtors, has at no time favored a policy unfair to creditors. We have denounced unfair inflation as well as unjust deflation. We have repeatedly insisted upon monetary policies looking only to restoring price levels so that debtors will pay and creditors will receive the same real values, the same purchasing power, that creditors lent and debtors borrowed. And to promote justice and honesty between debtor and creditor, we furthermore insist upon a permanent monetary policy which will stabilize price levels and thereby prevent farmers from having to pay with 30-cent wheat and 5-cent cotton debts incurred on a basis of \$2 wheat and 25-cent cotton, or vice versa.

To this end the conference unanimously adopts the following resolution:

The desire and objective of the National Agricultural Conference is that our monetary system be so revised and currency and credit so managed as to establish and maintain the dollar with a constant purchasing power, preserving the equity of contracts between debtor and creditor, and avoid the dangers and losses that are inevitably involved in excessive and uncontrolled inflation or deflation. To accomplish this, there should be established a monetary authority (by whatever name called); this monetary authority should be as largely as possible nonpartisan and non-political; their tenure of office should be of such length as to protect this body from sudden change; the members, through pensions or otherwise, should be adequately provided for throughout life; and this authority should be directed by definite mandate from Congress under that section of the Constitution which directs Congress to coin money and regulate the value thereof, to establish and maintain a unit of value (the dollar) with a constant purchasing power; a monetary currency regulated on an index of basic commodities on their world price, considering gold and silver as commodities, and dealing with them in terms of their market value.

Congress should vest in this authority the power to control price adjustments through monetary action by means of (a) repricing of gold; (b) regulating the value of the dollar; (c) declaring the gold content of the dollar; (d) regulating the issuance and volume of currency; (e) and such other powers over money and credit as Congress may see fit to give to it for the accomplishment of the congressional mandate, always reserving, however, to Congress at designated periods, the right of review and direction of the operation under this mandate.

We recommend that Congress consider placing in their mandate to such authority the requirement that they bring about basic commodity price adjustment either to the 1926 level, or the period 1922-29, inclusive, whichever, in the opinion of Congress is fairer.

We recommend that this authority be given a reasonable length of time to attain this result and that when such price level is attained that the powers vested in this authority be used in such a manner as to maintain such price level within a reasonable range (for example 5 percent), to the end that the purchasing power of the dollar may remain constant.

We further recommend:

1. Appropriate legislation adequate for the complete discharge by the Government of all obligations to farmers who have discharged, or are in the act of discharging, adjustment contracts of 1935, those prior thereto and agreements entered into in the fall of 1935 for the reduction of winter wheat production.

2. We urge Congress immediately to enact appropriate revenue legislation to require payment into the Treasury of the United States of all processing taxes levied and unpaid up to January 6, 1936, upon all commodities taxed under the Agricultural Adjustment Act, and that all such sums, whether unpaid, deposited in escrow, or impounded under orders of Federal courts, be covered into the Treasury in accordance with legal procedure.

3. The early enactment of pending legislation to regulate commodity exchanges.

4. To continue all valid provisions of the Agricultural Adjustment Act.

5. We oppose efforts to transfer the Forest Service and the Biological Survey from the Department of Agriculture to any other department of Government.

6. We insist that wherever practicable Capper-Volstead cooperative marketing associations be more universally and extensively used in the handling of all farm commodities coming under the control of the Government.

7. This report is premised upon the fundamental assumption that the American market must be preserved for the American farmer.

Many matters of great interest to agriculture are omitted from discussion in this report because of the conviction it was better to concentrate on major problems confronting agriculture. Other important resolutions that have been adopted will be referred to the conference committee for legislative action.

THE YOUNG MEN GO TO WASHINGTON—ARTICLE BY PROFESSOR FRANKFURTER

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the

magazine *Fortune*, entitled "The Young Men Go to Washington", by Prof. Felix Frankfurter, of Harvard University.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

THE YOUNG MEN GO TO WASHINGTON

By Felix Frankfurter

About 10 years ago, one of the most eminent of Europeans, visiting this country, was disturbed to find a photograph of Mussolini, signed by the Duce himself, occupying a proud place in the studies of a leading banker and of a famous university president. This, to the knowing sniff of a statesman, revealed a change of political climate in high places and ominous loss of robust faith in the traditional ideals of the United States. Our visitor was indeed correct in finding evidences of influential distrust of democracy. It had become the fashion to deify what was called efficiency, to concentrate on the difficulties of democracy, to compare the practical workings of democratic society with the paper advantages of omniscient dictatorship. As long ago as the third century B. C., Aristotle explained definitely how dictatorships come into being and how they maintain themselves until chaos and ruin overtake their victims. But we learn very little from books. Old forms of tyranny with new labels, sponsored with blood-and-thunder oratory, began to make alluring appeal to people who were not fired by the realization that democracy, especially in a country like ours, is not an automatic device for good government, but a continuous and exacting demand for the exercise of reason on the most extensive scale.

Men learn little from books, but they respond to experience. Better than if contrived as laboratory experiments for our especial benefit, the last 2 years have disclosed before our eyes the inevitable operations of dictatorship. They have brought to life the exact fidelity of Aristotle's pictures of tyrannies painted more than 2,000 years ago. We have been nauseated by "purges" both in Berlin and in Moscow, and we have recalled—what we had too quickly forgotten—the brutalities and violence which followed the march on Rome. As a result our democratic faith has been invigorated. Doubts about the validity of our great past, though still vigorous, are by no means universal; perhaps the visitor of 10 years ago might not now find Mussolini's photograph in a place of pride even in the studies of the leading banker and the famous university president. One hears from time to time much shallow talk about the elimination of politics, as though politics—the free exchange of opinion regarding the best policy for the life of a society—were not the essence of a free and vigorous people. A dictatorship means precisely the prohibition of politics. Nothing has more vindicated democracy than the unhampered exercise of freedom of discussion, however hostile and misrepresentative, during 3 years of gigantic effort to meet the greatest economic and social crisis within the framework of the traditional American political system.

Democracy is the only way, rough as that way may be, to a civilization that adequately respects and thereby helps to unfold the richness of human diversity. Men to whom the future is an anxious concern no less than those to whom the past is a treasured heritage have no choice but to make democracy work better. For acceptance of the democratic idea by no means implies exhaustion of the various forms in which the idea can be made to work better. If the depression and the Government's attempts to master it have done nothing else, they have revealed, as never before, the intimacy between government and the welfare of the individual, have revealed that government is not something outside of or in opposition to the public, but is the expression and agent of society. Bankers and businessmen and railroad executives have as a matter of course come to expect government to finance them in their difficulties. The farmer has dumped his surplus on its doorstep. Men and women in every walk of life have come to assume that government must safeguard economic security and, as a last resort in an economic world too unmanageable for individual mastery, even provide such security. To have aroused this new intensity of interest in government—without which democracy cannot effectively function—may, if sustained, appear in the perspective of history as the most important political achievement of our time.

This interest in government on the part of the general public is both the result and the cause of a shift in the conception of the functions of government from that of a big policeman to that of a powerful promoter of society's welfare. "Governments have come to be engaged", according to that wise student of politics, the late Graham Wallas, "not merely in preventing wrong things from being done but in bringing it about that right things shall be done. A negative government only requires courage and consistency in its officials, but a positive government requires a constant supply of invention and suggestions." Rugged individualism, in the sense of the fullest possible opportunity for development of American men and women, will, one hopes, always continue to be the ultimate aim of American society. But "rugged individualism" as a theory of political nonaction and as a practice of hands off by government has been dead in England since the days of Gladstone and Disraeli, and in this country was buried by Theodore Roosevelt beyond resurrection even by Harding and Coolidge.

Party slogans are one thing, party actions quite another. The elder Huxley once said that old theories survived long after their brains were knocked out. So, old shibboleths continue to enlist feelings long after they have ceased to correspond to reality. In our day no government, whatever its party livery, can avoid responsibility for insuring minimum economic security. Undoubt-

edly the arrangements by which this general end is sought will vary from time to time. In the give-and-take of minor issues of political partisanship, the people may in turn prefer the solicitations of different political parties asking for responsibility to execute such a program. Undoubtedly also, in the future as in the past, there will be differences of emphasis in the division of responsibility between the States and the National Government in translating our Federal tradition into daily practice. But the fact itself, and the tremendous implication of the existence of an enlarged governmental responsibility for the welfare of the people are—like all humanitarian advances in the history of the English-speaking people—here to stay. Alphabetical agencies will continue, or anaphabetical agencies will take their place.

Administratively that means much more than the supervision of old-age and unemployment benefits. Let us consider aspects of governmental activity quite outside the field of controversy. As part of any fundamental effort at economic security, both as a stabilizing factor upon business and as a necessary public protection, we are certain to continue the regulation of businesses affected with a public interest which, for the Nation, began with the Interstate Commerce Act in 1887 and has steadily increased since, as to both the area and the intensity of regulation. Again, the reports of the Mississippi Valley Committee and of the National Resources Board are in direct line of descent from Theodore Roosevelt's conservation policies. Our national welfare will not long permit that they remain dust gatherers or unexecuted blue prints. The economic security of the country as a whole, not any doctrinaire or sentimental theory, will compel a program for the protection and utilization of our natural resources which will cast upon government responsibilities that private enterprise could not possibly assume, and may well make of government in this country the greatest bulwark of all times.

To translate such general policies into wise legislation is sufficiently difficult. But it is child's play compared with the task of giving the words on the statute books meaning in action, to translate policy into life. The reality of the words of a statute appears only in the human administration of the statute, and that is especially true of statutes dealing with the large complicated affairs which now belong to government. Profound experience in the history of liberty is expressed in the noble words of John Adams in formulating the American ideal of "government of laws not of men." But there can be no government of laws except through men. Administration of a statute, like the administration of a business, depends on the quality of its administrator. Sensible and humane government is impossible without well-trained, disciplined, imaginative, modest, energetic, and devoted administrators. Indeed, with its modern tasks, government will need even better talent than that which private enterprise enlists. For with us not until individual initiative has proved its inability to manage enterprise does government take it over. Nor does government begin new enterprises unless private business cannot undertake them.

If, then, democracy is to work, we must in the future, more than ever before, temper the romantic American political tradition that everyone is competent for everything with the common sense of John Stuart Mill's observation: "Mediocrity ought not to be engaged in the affairs of state." How it would baffle the understanding of Mill and even more the purity of his heart to find men of influence today erecting such mediocrity into a philosophy. A former president of the United States Chamber of Commerce was apparently not indulging in subtle irony when he expressed these views: "The best public servant is the worst one. . . . A thoroughly first-rate man in public service is corrosive. He eats holes in our liberties. The better he is and the longer he stays the greater is the danger." And more recently the following advice was publicly tendered to the President concerning the class of men of unusual ability whom this Administration has attracted to Washington: "They are not the typical bureaucrats interested in obeying the routine and holding their jobs as inconspicuously as possible, for as long as possible. They are an active, inventive, pushing bureaucracy with many achievements to their credit that would have been beyond the imagination of an ordinary bureaucracy. But they will become a nuisance to the President if he does not promote the good ones to the status of ordinary officials and send the rest of them home with love and kisses." One is reminded of Mr. Gladstone's superb efforts more than 80 years ago in making the beginnings of the British civil service of today.

"The effect of such a change", says Lord Morley of Gladstone's share in establishing the great British civil service, "has been enormous not only on the efficiency of the service, but on the education of the country, and by a thousand indirect influences, raising and strengthening the social feeling for the immortal maxim that the career should be open to the talents. The lazy doctrine that men are much of a muchness gave way to a higher respect for merit and to more effectual standards of competency." Doubtless Mr. Gladstone's reforms were also characterized by some contemporary as the introduction of an "active, inventive, pushing bureaucracy." They were certainly resented as such. This is the contemporaneous picture of the old system which offered such stubborn resistance to Mr. Gladstone when he sought to put the bureaucracy on the basis of professional competence.

"The existing scores of civil servants do not like the new plan, because the introduction of well-educated, active men will force them to bestir themselves, and because they cannot hope to get their own ill-educated sons appointed under the new system. The old-established political families habitually batten on the public patronage—their sons legitimate and illegitimate, their

relatives and dependents of every degree, are provided for by the score."

This cult of mediocrity certainly did not commend itself to the New England railroads who urged the reappointment of Mr. Eastman as a member of the Interstate Commerce Commission, although they disagreed with his views on vital railroad issues. Fear of brains will not advance the solution of problems that call exigently for solution. "Typical bureaucrats interested in obeying the routine and holding their jobs as inconspicuously as possible for as long as possible" will never solve the intricate problems confronting the Social Securities Board in establishing a system of minimum security for the masses. Nor will they succeed in liquidating without loss the \$5,750,000,000 which the Reconstruction Finance Corporation invested to save private industry; nor be able to supervise wisely the chameleonlike financial transactions which the Securities and Exchange Commission has been instructed to protect, in the interests of both the investment market and the public.

Surely the common sense of the American people has become thoroughly aware of that fact. The tide of public conviction favors able and trained men in Government, not only among the masses who have hitherto had little feeling of identification with Government, but also with the great majority of businessmen, big and little. They would be less than sensible did they think otherwise. Since there had to be an R. F. C. to come to the rescue of business, it is obviously advantageous to the complicated and often desperate circumstances that confront businessmen that the personnel of the R. F. C. be competent, resourceful, and energetic. And since the regulation of capital issues and of the exchanges was bound to come and is bound to stay, it is to the selfish interests of those subject to regulation in this highly technical hair-trigger business that the administrative operations of the S. E. C. be technically informed, skillful, sagacious, flexible, and courageous. Industry and finance, no less than the general public, have been more than fortunate that both of these new agencies of Government have managed, by extraordinarily competent leadership, to acquire staffs which, according to a consensus of opinion, compare favorably with the representatives of finance and industry who seek either to cooperate with, or to circumvent, them. Whether these commissions, so profoundly important to the economic and social well-being of the country, continue to maintain a high administrative level or sink into ineffective mediocrity will depend largely on the prevailing atmosphere of public opinion regarding public service. The esteem in which Government work is held will determine whether men of parts are drawn to governmental posts. The attraction of such posts is not money but the opportunity for men of genuine ability to do really useful work and to try their mettle on problems worthy of their best powers.

Complaints concerning the quality of Federal administration are not new, though at the moment more vociferous than usual. The critics echo Mark Twain: "There is no end of the laws and no beginning to the execution of them." Whosoever had come to power on March 4, 1933, would have been confronted overnight with new tasks of overwhelming magnitude for government to assume. A recovering patient never remembers, fortunately perhaps, how devilishly sick he was. It is easy to pick flaws in the administration of the spate of new measures which had to be improvised for emergencies—too easy. But the fair-minded public should keep in mind considerations that will move the historians of our time. It is essential to observe certain canons of criticism that are usually neglected because they are so obvious. Headlines announce the occasional egregious blunder, but day-by-day achievement is unchronicled. The clash of politics, the friction between executive and legislature, the taste for scandal, the preoccupation with personalia make us know whatever goes wrong in government. It is right that it should be so. The critics of government cannot be too Argus-eyed. But no like conjunction of forces educates the public to a knowledge of the good in government. Virtue is proverbially not news, and appreciation of achievement in government, except when attained on the colossal scale of a Panama Canal or in the dramatized conflict of foreign relations is all too dependent on dull technical details. The public is therefore surprisingly uninformed of the extent to which its servants contribute to the public good. And so the all-too-common depreciation of men in public service is at once shallow and cruel. It debilitates where it should encourage. A collection of condemnatory comments on the Presidents alone, from Washington down, would make a choice anthology of abuse, but it would be a nonsensical history of the United States.

Take the usual uncritical comparisons between business and government. One need not subscribe to the personal views of Henry Cabot Lodge, shared by his friend Theodore Roosevelt, that "The businessman dealing with a large political question is really a painful sight", nor even to the similar testimony of Lloyd George, as war Prime Minister, about businessmen as administrators. Certainly the undramatic reports of the United States Supreme Court reveal authoritatively that business and finance have their ample quota of favoritism, sharp practices, incompetence, and failures. Moreover, it is too often overlooked that government as a rule undertakes no services or regulations except after private agencies have proved themselves incapable or unwilling. Under such circumstances, to succeed even measurably is proof of initiative and invention in public enterprise. Hence, in addition to the legitimate criticisms of public administration, there is the much larger faultfinding due to comparing preconceived theories about government with the best practices of business, instead of the prevailing practices of government with the prevailing practices in business. In a word, government has the

benefits as well as the burdens of being subjected to the judgment of higher standards than those which are conventional in private business.

Certainly the student of history will place contemporary administrative problems in the perspective of history. The vital consideration was put by an undisputed leader of the New York bar whose office is very close to Wall Street. He was overheard to say that the central task of the present administration was to correct, overnight, conditions which were allowed to go unattended for 20 or 30 years. The war not only interrupted the execution of Woodrow Wilson's domestic program, it aggravated and enlarged the problems the solution of which were being neglected. With the inevitable growth, in the soil of our political traditions, of administrative duties which the depression created, the wonder is not that administrative difficulties have arisen, but that the improvisations function so well. People talk glibly about principles of government as though there were a pharmacopoeia of politics and economics to which one could go for prescriptions. More than a hundred years ago, one of the greatest of the Justices, speaking for the Supreme Court, shattered this illusion of simplicity, and a hundred years have multiplied out of all proportion the intricacy and novelty of our problems. "The science of government", said Mr. Justice William Johnson, "is the most abstruse of all sciences; if, indeed, that can be called a science, which has but few fixed principles, and practically consists in little more than the exercise of a sound discretion, applied to the exigencies of the state as they arise. It is the science of experiment."

Inevitably, with the problems of administration created by the depression, younger men have found their way into places of great responsibility. The political law of gravitation has operated as it usually operates when new problems call for new endeavor. It was not accident that the founders of the Republic were mostly youngish men. Disinterested enthusiasm, freedom from imprisoning dogmatism, capacity for fresh insight, unflagging industry, ardor for difficulties—these are qualities that in the main youthful years must supply. Moreover, except under the romantic and compelling circumstances of war, men who have already succeeded in life seldom can be induced to abandon an assured career or to sever the manifold ties of private life at the call of public service. Of course much valuable part-time work has been done, with fine public spirit, by important business and professional men. But Government business, like private business, cannot be conducted effectively except at full time and with undivided allegiance. For various reasons, therefore, it would not have been possible to meet the burdens which the depression thrust on government by recruiting dollar-a-year men as was done during the war.

The tasks of these younger men have been vastly more complicated and diverse than even those that faced the winners of the war, and they have been subjected, as the price of our democracy, to the most bitter partisan criticism, whereas it was deemed unpatriotic to criticize the mistakes and deficiencies of war administrators. By their disinterested contribution of energy, ability, training, and imagination to the public service, hundreds of unknown young men and women have demonstrated beyond doubt that the indispensable step for improving the public service lies in some method of keeping a constant flow of qualified young people attracted to it.

Much of the work of government makes very little demand on that political sense and shrewdness in negotiation which age and experience alone can give. Scientists and lawyers in government work need little of such skill. And as the world becomes more complicated, no man's experience can possibly encompass all the problems of his specialty. Moreover, specialized experience more and more tends to restrict the horizon, to hamper the mind rather than guide it wisely in the disposition of a new combination of factors in interrelated complexities of public problems. A first-rate, well-trained, lively mind of 25 is better economy for the Government than the services of those who, in the language of Civil Service Commissioner Leonard D. White, "have failed to achieve success in the competitive world, and who in middle life seek refuge in the official world." "I always regard men and women", once said Sir Robert Morant, the greatest of recent British civil servants, "who work at all seriously at things, as falling into two classes roughly—those who leave absolutely no stone unturned to make the thing they are at a success, and those who turn just enough stones to make it just about do." It is the younger official mostly who leaves absolutely no stone unturned, especially when stones to be turned are new. The younger man's enthusiasm and capacity for learning rapidly assimilate the wider field of which his particular routine task is only a part. He is freed from complicated ramifications of private life; he is diverted by a minimum of vanities and jealousies; he is more resilient, more cooperative in taking orders; and his technical preparation for his work is on the whole much better than the equipment of the generation that preceded him.

Under the direction of leadership capable of utilizing energy and imagination and disciplined intelligence in subordinates, a continuous supply of this type of young man would furnish constant renewal of energy and ability and disinterestedness to public administration. To evolve such a system for government would merely imitate the practice of the biggest law offices of this country. Annually these recruit their lower ranks from the best men of the graduating classes of the leading law schools. From such recruits the Government could hope to develop at least a portion into permanent public servants of higher grade. Even those who left after a few years would not be completely lost to

public service. To the communities where they were engaged in private enterprise they would bring that continuing interest in public affairs which a former public servant seldom loses. From them might come, 10 or 15 years later, the mature leaders of public affairs in their generation. Many of the older able men in the Federal Government today had a youthful place in the affairs of government 15 or 20 years ago. In every administration, the occasional really first-class man willing to leave established success in private enterprise for the new risks of an important post on the firing line of governmental affairs has more often than otherwise been one who, in his youth, tasted the joy of disinterested public service.

How young men of first-rate caliber can, year by year, be won for Government service, in periods of calm no less than in days of excitement, and how an adequate proportion of them can be retained permanently, are problems that do not divide parties. They seem unimportant in comparison with the economic and political slogans that rend the air. But upon their answer may well depend the success of whatever economic and social program theoretically prevails.

Government cannot compete with private employers for the most desirable recruits through the ordinary inducements. The best of the annual crop of the good law schools, for instance, will normally be offered places in the great private law offices of New York and other centers with promises of immediate professional opportunity that are exceedingly alluring. The great potential rewards with which business tempts able young lawyers, engineers, and economists serve as a powerful attraction to ambitious youth. Moreover, the impalpable pressure of the conventional standards of achievement is overwhelmingly on the side of private gain. Nevertheless, even before the depression, there was a perceptible drift of interest to the public service. Successful practitioners, distinguished judges, and industrial leaders were eager to see their sons start rather than finish their careers in public life. The depression has given vigorous momentum to this tendency. In no section of public opinion is there greater sensitivity to the inadequacy of old catchwords and obsolete theories to meet the needs of our day than among the young who have to face life on their own. More and more, the ablest of them—in striking contrast to what was true 30 years ago—are eager for service in Government. They find satisfaction in work which aims at the public good and which presents problems that challenge the best ability and courage of man.

PROF. FELIX FRANKFURTER

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the magazine *Fortune* concerning Prof. Felix Frankfurter, of Harvard University.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FELIX FRANKFURTER IS "THE MOST INFLUENTIAL SINGLE INDIVIDUAL IN THE UNITED STATES"

Or so at least opines Gen. Hugh S. Johnson, who has had considerable experience in the influencing business himself. The general's reasons are given. Mr. Frankfurter has insinuated his boys into "obscure but key positions in every vital department" of the present administration and is presumably therefore boring at the Constitution of the United States and the American plan of government from within.

It is an interesting scenario and one which, in the absence of proof, will be accepted or rejected according to the preferences of the reader. But one thing the mere publication of the statement has already accomplished. It has made Mr. Felix Frankfurter a mysterious personality. "This Frankfurter—this silent man . . ." hoarsely whispers Mr. Hearst's New York American; adding impressively "the Iago of this administration." As a silent man, as an Iago, Mr. Frankfurter becomes a legitimate object of the public curiosity. And as the most influential single individual in General Johnson's United States he becomes a proper subject of historical investigation. The country has an altogether understandable desire to know on what grounds it is possible, whether rightly or wrongly, to attribute such unusual significance to a professor in a private law school.

So far, and despite the fact that a considerable body of information relative to that question is easily available, very little information has been published. Newspaper readers are more or less aware that Mr. Frankfurter is a man in his early fifties who teaches law at Harvard. Some of them are even aware that he was born in Vienna of Jewish parents, that he came to this country without a word of English at the age of 12, and that 10 years later he was leading his class through the bitter competition of the Harvard Law School with nothing to show for his Vienna nativity but an eager spirit and a slight thickening of the letter "s." But how he came to occupy a position in public affairs which makes possible in any man's mouth the allegation that he wields the greatest private influence exerted in America is a matter of complete mystification to the great majority of his fellow citizens.

The actual facts of the matter are in no way mysterious. Mr. Frankfurter's relation to the appointment of bright young men to fill Washington jobs remains today about what it has been for twenty-odd years. The only difference is that under Presidents Taft and Wilson and their successors bright young men in Washington were not an issue. The story begins roughly about 1906,

when Felix Frankfurter, 2 months out of law school and safely tied to a clerk's desk in the top-flight New York law office of Hornblower, Byrne, Miller & Potter, was suddenly transferred to the public service. It begins with Henry Stimson. Mr. Henry L. Stimson, later to serve as Secretary of War under Taft and Secretary of State under Hoover, had in 1906 yielded to President Theodore Roosevelt's request that he dissolve his partnership with Elihu Root and accept the office of United States district attorney for the southern district of New York, in order there to attack the malefactors of great wealth and the wicked corporations with whom Mr. Roosevelt was engaged.

Mr. Stimson had made only one condition—that his office handle all the legal business of the district instead of farming out important cases as had been the previous practice. And the result of that condition was the meeting of Henry Stimson and Felix Frankfurter, for only by hiring inexperienced young lawyers of high law-school stand could the district attorney, with his limited budget, build up the necessary staff. It was a meeting which had important consequences for both Mr. Stimson and Mr. Frankfurter. Mr. Stimson found an assistant who became an intimate friend and a source of considerable legal strength, and Mr. Frankfurter found an urbane and able chief and a useful avocation. The avocation was the collecting of brains. Partly because he was the first assistant United States attorney selected, partly because he was fresh from the country's leading law school and partly because he had by nature a large, exuberant, catholic, likable liking for human beings, he became the recruiting agent of the office. And becoming its recruiting agent, he took the first steps in an activity which was eventually to acquire the curious significance of which General Johnson is now so sensitively aware. From 1906 until 1935, whatever his office and wherever his work, Mr. Frankfurter was never long out of touch with the problem of placing young men of brains in positions where they could use them.

He began with a fairly impressive list. Mr. Stimson's assistants, with the exception of his fellow Yale man, Tom Thacher, later Solicitor General of the United States and Federal district judge, were Frankfurter selections, and Thacher was a close Frankfurter friend. They included Winfred T. Denison, later Philippine secretary of the interior; Goldthwaite H. Dorr, later president of the Cotton Textile Institute; Emory Buckner, now of the New York firm of Root, Clark, Buckner & Ballantine; and Wolcott Pitkin, now counsel for the International Telephone & Telegraph Corporation, having been attorney general of Puerto Rico and adviser to the King of Siam in the interim. As individuals they were competent lawyers, and as a team they were close to unbeatable. Mr. Roosevelt in his autobiography refers on two occasions to the work of Mr. Stimson's office and specifically to Mr. Frankfurter, and on both occasions with praise. Mr. Stimson and his young associates handled successfully such matters as the rebate cases against the New York Central and the American Sugar Refining Co., the sugar-weighting fraud cases against officers of the Sugar Trust, the prosecution of Charles W. Morse for his attempts to rig a steamship pool and to corner the ice market, and the Interstate Commerce Act proceeding against Edward H. Harriman. And in most of them Felix Frankfurter was active; in the sugar fraud cases, for example, though then a youngster in his middle twenties, he carried alone the successful argument of the appeals.

(His success in appellate work was to continue. He has since won every case he has argued before the Supreme Court and the Circuit Courts of Appeal with a single exception. In that case he carried with him in leading dissent not Justice Brandeis but Chief Justice Taft.)

The fact is important, because it bears upon Mr. Frankfurter's now famous radicalism. Mr. Frankfurter's radicalism was learned in the 1906, T. R., trust-busting era, when a radical was a man who wanted to knock down the monopolies and restore the practice of private competition. It is still radicalism of that vintage. Like Mr. Justice Brandeis, who belongs intellectually to the same generation, Mr. Frankfurter continues to hanker nostalgically after the lost (and perhaps utopian) world of small business, free competition, and economic independence. The two New Deal measures with which he is known to have been associated are the Securities Act and the Public Utility Act, which attempt, the one to establish free and fair competition on the stock exchanges, and the other to break down the huge holding companies in the utilities field. Both proposals Theodore Roosevelt would unquestionably have backed. Theodore Roosevelt's much publicized hostility to Mr. Frankfurter at a later period was not caused by a disagreement on principles. It was caused by a disagreement on facts. Mr. Frankfurter's report on the Tom Mooney case for the Wilson Mediation Commission struck the Colonel as subversive Trotskyism. And the same Commission's report on the deportation by vigilantes of a thousand Bisbee, Ariz., miners and their marooning in a desert town struck the ex-President as a Bolshevik attack on his old friend, Jack Greenway, late husband of Congresswoman GREENWAY, who had acted as one of the vigilantes. Today most historians of the period agree that the facts were pretty much as Mr. Frankfurter reported them. The Mooney findings in particular would now be accepted as mild even in California.

But it was not only T. R. radicalism that Mr. Frankfurter absorbed in the United States attorney's office. He absorbed also a liking for the public service. An attempt in 1909 to retire with Mr. Stimson to Mr. Stimson's private practice failed in less than a year. In 1910 Mr. Frankfurter was back in the United States attorney's office in charge of appellate work, and in 1911, when Mr. Stimson became Taft's Secretary of War, Mr. Frankfurter followed him as law officer of the Bureau of Insular Affairs.

Theoretically the duties of that position were limited to the fairly broad field of legal advice and service touching the colonial administration of the United States. In practice, however, Mr. Frankfurter remained what he had been in New York, the general legal assistant of his superior. Mr. Stimson scandalized the Judge Advocate's office by asking Mr. Frankfurter's advice even on Army matters. And in the field of public works, directed by the Secretary of War in the exercise of his jurisdiction over rivers and harbors, Mr. Frankfurter was the Secretary's active counsel. It was a particularly interesting field at the moment because Theodore Roosevelt had made an issue of water power in connection with his conservation program and Taft had inaugurated a new policy of issuing no permits to build dams on navigable streams without a quid pro quo to the Government. From this policy was to develop the Federal Power Commission and the present "yardstick" extension of Federal activity into the public-utility field. And from it also was to result an extension of Mr. Frankfurter's War Department career. When Wilson took office in 1913 his new Secretary of War, Garrison, asked the law officer of the Bureau of Insular Affairs to continue to serve in connection with water-power litigation.

It was not only Mr. Frankfurter's War Department career, however, which was expanding. The "silent man" of the Hearst editorials (incidentally one of the least silent of God's creatures) was also expanding his avocational interest in bright young men. Since he was still in the early thirties himself, he knew the recent law-school graduates. And since he continued for professional reasons to read the Harvard Law Review, he knew something of the abler men still in the school. With the result that Attorney General Wickersham, who ran his office on the merit system, made frequent requests for Frankfurter suggestions, as did others in the executive departments. And with the further result that a regular Washington practice of calling upon Mr. Frankfurter for able young lawyers was established.

The upshot of the whole thing was that when in the fall of 1914 Mr. Frankfurter left Washington to become Professor Frankfurter he had had some 8 years of experience in finding youngsters for legal jobs in New York and in Washington. From 1914 on, but from the Harvard Law School rather than from the bar, he continued the practice. He was asked regularly by the larger New York firms to suggest law clerks for them, such offices as Sullivan & Cromwell; Simpson, Thacher & Bartlett; Davis, Polk; Root, Clark, Buckner & Howland; Cravath & Henderson, and like concerns in Boston, Chicago, and Philadelphia made annual requests for his recommendations. And he became in consequence the regular and all but official channel by which bright young Harvard Law School men became bright young New York or Chicago or Cleveland or Atlanta law clerks. Not all able Harvard men found their first law clerk's job through Felix Frankfurter, but more of them made use of his good offices than of those of any other man. He knew the needs of the offices, particularly the New York offices. He knew the tastes of the hiring partners, particularly the New York partners. And he knew the youngsters.

But if his relation to the annual recruiting for the New York offices was close, his relation to the rarer recruiting for the public services was even closer. There too, Mr. Frankfurter, keeping in touch with Washington through his work as a professor of public law, knew the demand and knew the supply and was interested in the personalities of both. Very early in his teaching career he began supplying Justices Holmes and Brandeis and four judges of lower Federal courts with one high-stand graduate a year apiece to act as legal secretary. These appointments, which often went to the top men in the graduating class, became honorable distinctions in the law school. The Holmes and Brandeis posts have been held by such men as Dean Acheson, lately Under Secretary of the Treasury; James M. Nicely, lately of John W. Davis's firm and now a vice president of the Guaranty Trust; Thomas G. Corcoran, now of the R. F. C.; Alger Hiss, now special attorney in the office of the Attorney General; William McCurdy, W. Barton Leach, Calvert Magruder, and Henry Hart, now professors of law at Harvard; James M. Landis, now chairman of the S. E. C.; Robert Page, formerly of Root, Clark, Buckner & Ballantine, now with the S. E. C.; Harry Shulman, associate professor of law at Yale; and William Gorham Rice, Jr., of the International Labor Office in Geneva.

But the recruiting for public office did not stop there. In 1914 when the Federal Trade Commission was set up, Commissioner George Rublee naturally turned to Mr. Frankfurter for suggestions and so too did such bodies as the Interstate Commerce Commission. Harvard Law School infiltration in Washington, begun under Taft, reached a highest point during the war, when the demand for good young lawyers was enormous; continued through the Republican administrations of the twenties (Mr. Wickersham, for example, asked Mr. Frankfurter to suggest technical personnel for his famous committee), and rose to a record peak with the legal demand created by the New Deal. And Harvard Law School, from the Washington point of view, meant out of Harvard Law School by Felix Frankfurter.

The war was largely responsible for this point of view, for the war considerably extended Mr. Frankfurter's acquaintance among officials. In April 1917 he had packed his bag in Cambridge for a week-end with Secretary of War Newton D. Baker and had run his week-end into a 2-year stay. He had served as Assistant Secretary of War, as counsel to the President's Mediation Commission above referred to, as assistant to the Secretary of Labor, and finally as Chairman of the War Labor Policies Board, which attempted to deal with the problem created by the competition

for skilled labor of the various purchasing departments of the Government. And in all this work he had needed, and had been associated with men who needed, expert assistance.

The war, moreover, had had another effect of some interest in this general connection. It had produced the physical conditions under which Mr. Frankfurter's genius for human relationships could develop, and the development of that genius had in turn produced a Washington coterie of considerable fame. The notion that Mr. Frankfurter is a conspirator by nature probably owes more to the fact that he lived with a group of his contemporaries in a modest dwelling on Nineteenth Street than to any other fact. Except, perhaps, the fact that Mr. Justice Holmes, with facetious intent, referred to that dwelling as the "house of truth." The "house of truth" was nothing more extraordinary than the quarters which Mr. Frankfurter shared with Robert G. Valentine, who had been Indian Commissioner under Taft; Loring C. Christie, later legal adviser to the Canadian Prime Minister; and Lord Eustace Percy, of the British Embassy, now a member of the Baldwin Cabinet. But the name gave it mystery. It was the scene of a good deal of talk, much of it good, most of it legal, and all of it fairly idealistic. Its breakfasts, luncheons, and dinners were attended by generals, judges, and lovely ladies. And it had, in consequence, that faint odor of the cabal which the salon always exudes. But even so, it would hardly have been remembered but for Mr. Justice Holmes' too-happy phrase.

That the end of the war did not mean the end of the demand for law clerks is of course obvious. With the return of business to the businessmen the demand, if anything, increased. The market was merely removed from Washington to New York and Chicago. Felix Frankfurter remained the key to the Harvard production. From 1919 on he was an institution in American law. There were some high-stand men from Cambridge who did not go after their jobs with a letter to "Dear Jack" or "Dear Joe" signed with the double F. And there were some metropolitan law offices which did not try to pick over the Harvard graduating class with the aid of F. F.'s experienced eye. But they were few in either category. By the time Franklin Delano Roosevelt was nominated at Chicago, Mr. Frankfurter was the most famous legal employment service in America—the more famous because his activities were unofficial, unpaid, and entirely disinterested. He was the man you went to if you wanted a good young Harvard lawyer. And Harvard Law School being what it is, it was quite often good young Harvard lawyers you wanted. Both in his capacity as member of the Federal Reserve Board and in his capacity as Hoover's Chairman of the R. F. C., Mr. Eugene Meyer, to take one example, asked for the Harvard brand of legal product. And it is worth noting in passing that one of the products he got was the now famous Tom Corcoran. Mr. Corcoran is not a Frankfurter appointee to the Roosevelt administration. He is a Frankfurter nomination to Mr. Eugene Meyer. And his last address before Mr. Meyer hired him away to Washington was the New York corporation-law office of Cotton, Franklin, Wright & Gordon.

What happened after the nomination of Mr. Roosevelt was merely that Mr. Frankfurter, who had known the Democratic nominee intimately when they were young lawyers in Washington meeting weekly on the War Labor Policies Board, supported him. And what happened after Mr. Roosevelt was elected was merely that Mr. Frankfurter went on supplying names of able young lawyers. The Harvard professor was no part of the "brain trust", which had a strong Columbia flavor with noticeable anti-Harvard whiffs. He was a personal friend of the President's and as such he saw him on two or three occasions before the inauguration (largely to discuss matters within his experience as a professor of administrative and public law), and somewhat more frequently (save for a year spent in England) after the inauguration was over. Aside from his refusal of the Solicitor Generalship in March 1933, most of these contacts were informal. Under Mr. Roosevelt as under previous Presidents he was asked to advise on certain appointments, with the result that a score or so of younger graduates of the school went to Washington with his benediction and that his opinion was asked upon such friends or former pupils as Prof. O. M. W. Sprague; John Dickinson, now Assistant Attorney General; Assistant Attorney General Harold Stephens, now a judge of the District of Columbia Court of Appeals; Dr. Leo Wolman; Commissioner Raymond B. Stevens, of the Tariff Commission; Lloyd Garrison, formerly chairman of the Labor Board; and Chairman John G. Winant, of the Social Security Board. Any complete list of the "boys" Mr. Frankfurter has "insinuated" into the administration should contain these names as well as the names of his brilliant young friends, Messrs. Corcoran and Ben Cohen.

No one knows, perhaps not even the President himself, and certainly not General Johnson, whether Mr. Frankfurter has more influence with Mr. Roosevelt than Mr. Roosevelt's other advisers. General Johnson, for example, is publicly proud of the fact that Mr. Frankfurter had nothing whatever to do with the establishment of his N. R. A.—an emotion which Mr. Frankfurter may share. If Mr. Frankfurter had nothing to do with the New Deal's noisiest experiment, it is open to the public to wonder whether Mr. Frankfurter's influence can be as ubiquitous as the general pretends. In any case the question is not one which can be answered with factual proofs. Only upon the charge that Mr. Frankfurter has packed the administration with his boys can the light of fact be thrown. When so illuminated, it appears that Mr. Frankfurter has done little more to place intelligent lawyers in contemporary Washington than he has been doing for the past 25 years.

THE LATE DR. ELWOOD MEAD

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that there may be printed in the RECORD an article by M. A. Schnurr on the late Dr. Elwood Mead.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Explosives Engineer for June 1929]

ELWOOD MEAD, B. S., M. S., C. E., D. E., LL. D., UNITED STATES COMMISSIONER OF RECLAMATION

By M. A. Schnurr

Doctor Mead was born in Patriot, Ind., on January 16, 1858. His early life was spent on a farm where the foundation was laid for a sympathetic understanding of the problems of rural life, in which he was later to take such a prominent part.

In 1882 Dr. Mead graduated from Purdue University with the degree of bachelor of science. In the following year he received the degree of master of science. In the following year he received the degree of civil engineer, and in 1904 that of doctor of engineering, the first honorary degree ever conferred on anyone by that university. In 1883 the degree of civil engineer was conferred on him by Iowa State College. Honor was accorded Dr. Mead by the University of Michigan in 1925, by conferring the degree of doctor of laws, accompanied with the statement:

"Dr. Elwood Mead, Commissioner of the Bureau of Reclamation, engineer, lawgiver, and administrator, whose labors will endure through ages yet to come. By framing and putting into operation the irrigation laws of the State of Wyoming, he established a precedent followed not only by the newer States of the West, but also by Canada, Australia, South Africa, and New Zealand. He brought order out of confusion and opened a way where none had been."

Following his graduation from Purdue, Dr. Mead served as assistant engineer in the Army on a survey of the Wabash River and, for 5 years, as professor in irrigation engineering in Colorado Agricultural College.

In 1888 Wyoming needed a State engineer. Governor Moonlight appointed Dr. Mead. One of the State's largest industries, irrigated farming, was in a chaotic condition. This was the beginning of Dr. Mead's administrative engineering activities in the field of irrigation and drainage which was destined to become his specialty later on. The law regarding water rights was considered by the new State engineer as the hub of all the trouble. Conflict ensued between those who claimed control of streams under the English common-law doctrine of riparian rights and those claiming rights based on diversion and use. Continuous litigation, involving heavy expense, was the result.

Although not a lawyer, this young engineer, employed to carry on the State's engineering work, with keen foresight, would not go on in his field knowing the water-right tangle would only, in the end, retard Wyoming's irrigation development. He, therefore, drafted a new code of irrigation procedure which was revolutionary and under which all waters, surface and underground, were declared State property. Diversions from all streams were controlled by State officials. There was a victorious fight against the opposition in the State and the Elwood Mead code was passed and became law.

Wyoming's code has been adopted by many Western States and some foreign countries.

Dr. Mead entered the Federal service in 1897 and for 10 years served as Chief of Irrigation Investigations, United States Department of Agriculture. He demonstrated his qualities so thoroughly that he attracted the attention of the University of California and, for 8 years, he served as professor of irrigation institutions of that university.

In 1907 Australia recruited this outstanding American engineer and expert in rural economics to advise on its problems, and principally to take over the construction of new irrigation works to cost \$15,000,000. He advised the government that its primary need was not more stored water and canals to carry water to the land, but the supplanting of large wheat and sheep ranches with group settlements, and the creation of a kind of agriculture suited to irrigation. His views were accepted by the Victorian government and the decision to make closer settlement the cornerstone of irrigation law in that country was the turning point in the State's agricultural progress. He was appointed chairman of the State Rivers and Water Supply Commission of Victoria and rendered a service in that capacity that places Australia in the class of a model for the rest of the world to pattern after in the practice of planned rural development and aided and directed settlement.

Australia commissioned Dr. Mead and Hon. Hugh McKenzie, Minister for Lands, to travel abroad, visiting Italy, Ireland, Denmark, and Germany, to observe what their governments were doing to bring about a home-owning population. They journeyed to Great Britain for a different purpose, however, and that was to attract settlers to Australia, in which mission they were successful.

Dr. Mead is an outstanding international figure. He has since acted as adviser to the Governments of New South Wales, Canada, Hawaii, Java, and Mexico.

In 1923, while Dr. Mead was in Australia, he was appointed, by the Secretary of the Interior, a special adviser on reclamation to serve with four others on a fact-finding commission, set up to investigate Federal reclamation projects. At the completion of

this assignment, in 1924, President Coolidge appointed him Commissioner of Reclamation, where his constructive leadership has won confidence and admiration for him in the task of placing Federal reclamation on a businesslike basis, and by his policies creating more happy homes than ever existed before on Federal reclamation projects, this in spite of the fact that the law makes of this officer a collector of charges which usually would be a very unpopular role.

In 1927, securing a leave of absence as Commissioner of Reclamation, Dr. Mead went to Palestine on his second trip (the first being in 1923) as consultant for the Zionist Organization of America. On this trip Dr. Mead headed a commission of six members, all specialists in their fields, and their report, approved and accepted by the organization, forms a working basis for those in responsible charge of reclaiming Palestine for the Jews. Specifically, a colonization program was outlined. Agricultural education, soils of Palestine, economic conditions, in the Zionist settlements, horticultural development and water supply available for irrigation and its utilization, form the detailed studies presented in the report.

Now, Dr. Mead is charged with the building of the highest dam in the world—Boulder Dam in Black Canyon. The things which go into such a stupendous task must be in the hands of a level-headed engineer, administrator, and economist. They are.

The outstanding policy dictated and vigorously pursued by Dr. Mead as Commissioner of Reclamation is the emphasis placed on the human element. He contends a happy and contented settler and one who is able to meet his payments when due is an asset. A disgruntled settler, and one who is always seeking relief, is just the reverse.

A number of effective reforms have been brought about, principally among which may be named the selection of settlers. Simply the desire to possess a farm on a Government irrigation project is now not sufficient. Under regulations promulgated by Commissioner Mead, further precautions are taken to secure the return of the Government's investment in those projects, by putting on farms men with experience and sufficient capital to get a start. Experience proves this policy to be sound.

Dr. Mead was one of the consultants retained by the city of Los Angeles to report on the St. Francis Dam disaster in California in March 1928.

Elwood Mead is a Hoosier by birth, but a cosmopolitan statesman, if one is to judge by the many who zealously acclaim him. He is a member of the American Society of Civil Engineers, American Society of Agricultural Engineers, and British Institute of Civil Engineers. He is a member of the Columbia River Allocation Board, member of the Committee on Prize Essays, American Chemical Society, Government representative, Division of Federal Relations, National Research Council, and a director of the National Bureau of Economic Research.

Summing up the activities in which he has participated, and in each of which he has acquitted himself creditably, we must admit the Government has at the head of its Bureau of Reclamation the ideal man for the position.

THE SUPREME COURT

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD what seems to me to be a very able editorial from a rather conservative viewpoint appearing in the Anniston Star of Anniston, Ala. The title of the editorial is The Supreme Court on Trial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anniston (Ala.) Star of Sunday, Jan. 12, 1936]

THE SUPREME COURT ON TRIAL

The Anniston Star has refrained from any comment on the validity of the Supreme Court's decision against the Agricultural Adjustment Act in the Hoosac Mills case for the simple reason that this paper does not feel qualified to pass judgment on so profound a subject of constitutional law as was involved in the question at issue. It was the first time in history that any tribunal has attempted to give definition to the "general welfare" clause of article I, section 8, of the Constitution that has as its effect the limitation of the taxing power of Congress. Yet, there can be no gainsaying of the truth of the statement made by the President in his Jackson Day address that this decision will have an effect on the lives of the American people for many generations to come. It will become as potent an instrument in the hands of those who hold to the theory of property rights as opposed to human rights as has the "due process" clause that was written into the fourteenth amendment in 1866 by John A. Bingham, a Republican Representative from Ohio and a former railroad lawyer.

From the very earliest days of the Republic, American Chief Justices have been drawn from the propertied classes. Jay, Rutledge, and Ellsworth, the first three, represented vast landowners, as did John Marshall, who was beholden to Lord Fairfax, whose property had been confiscated during the Revolution. Roger B. Taney, author of the Dred Scott decision, whom Marshall picked as his successor, was in the same category, and as industrialism has assumed the place of political dominance once held by agriculture, the Presidents often have named corporation lawyers to preside over the deliberations of the judicial branch of the Government. Almost invariably this has been reflected in the decisions that have been rendered; for, as Justice Holmes once said,

"theories follow interests instead of controlling them." Justice Van Arsdale, of the District of Columbia Appellate Court, said recently: "It should be remembered that of the three fundamental principles which underlie government, and for which government exists, the protection of life, liberty, and property, the chief of these is property." And this thought has been carried so far in comparatively recent decisions that there is danger of another uprising of the masses such as took place in Jackson's period, their objective this time being a liberalization of the fundamental law of the land.

When Marshall rendered his famous decision in the Marbury case of 1803, Jefferson termed it an "obiter dissertation", a kind of stump speech from the bench; and since Justice Roberts has been spoken of as a possible candidate for the Republican Presidential nomination, his decision in the A. A. A. case has been regarded by some of the present-day liberals in the same light. Senator HUGO BLACK, of this State, says that "five men now rule 120,000,000 people" and that "under this decision they have left themselves free to decide all legislation in any manner they see fit. They have thrown away the charts." Indeed, it is the belief of many that the original charts were thrown away when John Marshall usurped the right to nullify acts of Congress, thereby setting up the judicial branch of the Government as superior to the legislative and executive authorities. Dr. J. G. de Rouilhac Hamilton of the history department of the University of North Carolina, in an arresting article in the July 1935 issue of the Virginia Quarterly Review, seems to hold to this point of view. He says:

"What the Constitution means now is whatever Congress, the President, the Supreme Court, or, ultimately, the majority if insistent enough for long enough, may say it means. The Court, in the apt phrase of a former member, sits as a 'continuous constitutional convention', presumably interpreting the Constitution, but actually altering and remaking it in its own way. More fitly, perhaps, the members of the Court may be compared to a sort of priesthood, revealing to the people the will of the god whose mouthpiece they are. But the people who bow down seem seldom or never to realize that the god has died on them; that the old Constitution, revered, worshiped, is dead, dead these many years, cut down in the prime of life by that great foe of law, armed force; and that an impostor rules in its stead—public opinion." It is this voice of public opinion now for which the President and his advisers are listening before they act.

The Anniston Star believes that the people of the United States as a whole are loath to invoke a constitutional amendment as a means of attaining the ends that were sought in the passage of the Agricultural Act and other New Deal legislation. Certainly we here in the South have much to lose by centralizing in Washington—if this is not already accomplished, as Senator Black seems to believe with respect to the Supreme Court—an authority that would tend to wipe out the rights of the sovereign States. This section is out of power too often for us safely to vest too much of arbitrary authority in the hands of either the President or the Congress; and yet we believe it to be wholesome that we reexamine the power that has been assumed by our highest tribunal of justice. Donald Richberg stated in a thoughtful address in New York recently that the zeal with which the Constitution is being defended by the conservatives threatens to undermine its very foundations by leading to the adoption of amendments that would be injurious to American institutions of government, and we believe he is well advised in that opinion.

One thing especially must be given deep consideration if we would restore to the Supreme Court that profound respect which it once held. It must not be made the resting place for lame ducks and it is questionable if any man who has ever been a candidate before the people as the representative of a political party should be eligible for elevation to the bench. There should be an unwritten law, at least, that no man who wears the ermine should be considered for political preferment and closer scrutiny should be given to the environmental background of judicial appointees in order that their decisions may be detached from any suspicion of prejudice by reason of previous interest. This paper believes that the cloistered walls of the college law schools, whence came the late Justice Holmes and the present Justice Stone, provide the most wholesome atmosphere from which our judiciary can be drawn.

HUMAN LIFE THE CHEAPEST THING ON EARTH—ARTICLE BY JIM MARSHALL

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Jim Marshall, one of the editors of the Seattle Star, on Human Life the Cheapest Thing on Earth.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Star of Jan. 14, 1936]

SEATTLE À LA CARTE

By Jim Marshall

THE CHEAPEST THING ON EARTH

At a munitions' racket hearing the other day one suave arms salesman tapped on the table with his fingernails and thought that, after all, old chap, this stuff about the sanctity of human

life is a bit overdone, y'know. His partner, adjusting his monocle and brushing a dust speck from his lapel, said that "y'know, old chap, there are lots of things worse than war."

* * * and across the plains of death the armies march in silence, rank on rank—in silence save for the shrieks of agony in which they died. Above the ghostly dust cloud stirred by their shuffling feet there travels a litany of pain wrung from white, bitten lips that mumble every language ever heard on earth.

In the army are wild barbarians, hacked and battered to death in some forgotten fight back in the dim dawn of history, the dried blood caked in their tangled hair, their dull eyes reflecting the last horror of the downswinging club in the foeman's fists. They marched and fought and died because some blue-streaked tribal chieftain thought his honor tarnished.

THE MARCHING ARMIES OF THE DEAD

Across the plains march men in armor—men without arms, men without legs, men without faces. They were the men who fought at Agincourt and on many another stricken field—fought in a quarrel between dim-witted kings whose very names today are forgotten. Men who slashed each other to death with swords, plunged pikes into each other's bodies, sent clothyard arrows zinging through slits in steel helmets—for what reason none now knows.

And still the ranks tramp on—archers and halberdiers, broadsword swingers and the gunners who fired the wood stave and leather pieces of 600 years ago—before the munitions salesmen could boast of perfected artillery. Greek and Roman, Persian and Arab, and ancient Sumerian, Aztec and Spaniard, Saxon and Norman, Frenchman and Russian. Men of Carthage and men of Alexandria and Marathon.

And the old guard that died, but never surrendered—and died in futile agony on the plain of Waterloo.

AND IN THE END FOR WHAT?

Across the plains of death they march, in never-ending millions, to show what man's inhumanity to man may do with steel and powder and gas to make human bodies into carrion for the buzzards that wheel so surely aloft. In all these ranks there is not one body that has not been torn and tortured until the soul inside it could no longer endure—and so escaped to march forever in the armies of the slain.

So the army marches, never endingly, along its bloody track, gazing from sightless eyes into nothing—winding over hill and down dale to chant its grim song of agony and bitter woe across the ages. So through the dust cloud of history, pass the millions who died in terror, and pain, and hate—and died uselessly, futilely, accomplishing nothing—except a rebirth of hate.

But, of course, as the munitions salesmen said so suavely, this stuff about the sanctity of human life is a bit overdone, you know, old chap.

ESTABLISHMENT OF AIR CORPS TECHNICAL SCHOOL

The Senate resumed the consideration of the bill (S. 3398) to establish the Air Corps Technical School, and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps.

Mr. DIETERICH. Mr. President, I desire to reiterate what I said last Monday, that if I did not sincerely believe that my own State was being unjustly discriminated against and if this bill were passed an injustice would be done, I should not ask the indulgence of the time of the Senate. I have a reluctance in charging bad faith to any agency of my Government, but when a record such as we have before us discloses what this one does I feel that I should not be fulfilling my duty, either to my State or to the Nation, if I did not point out what I feel is a wrong attempted to be committed.

The bill proposes to remove an established institution from my State and relocate it in a State some 1,200 miles away. It proposes to follow the recommendations of a committee which relied upon the facts ascertained by a board appointed to investigate sites for the location of an Air Corps technical school. A report was submitted by that board which discloses that it acted upon erroneous information, not charging necessarily that its members were improperly motivated, but the board refused and failed to avail itself and inform the Congress of the best information obtainable.

In relation to an Air Corps technical school Colonel Yount, who was chairman of the board, in response to a question as to what is done at such schools, the question being propounded by the Senator from Indiana [Mr. MINTON], said:

The exact curricula for this school is the training of officers and enlisted men, in care of, operation, and maintenance and repair of Air Corps equipment. It is not a flying school except that there is considerable flying which is incident to the curriculum and the testing of the equipment.

The exact courses which are taught there for officers are aircraft engineering, both airplanes and engines; armament; communications, principally radio; photography, special maintenance engineering; and certain other courses for officers of the National Guard.

For enlisted men the courses are airplane mechanics; aircraft armaments, which have to do with the question of machine guns and bomb racks and releases and aircraft welders and sheet-metal workers; parachute riggers, photographic and radio mechanics; and supply and technical clerks.

Among the purposes to which the school is adapted there is nothing in the nature of bombing, and there is nothing in the nature of practice in machine gunnery, which never was connected with the school and never will be. It is simply a school to qualify certain persons in mechanical proficiency so they can take care of the equipment used by those who fly in the air and those who engage in combat.

Rantoul was considered a proper site for this school when the activities were removed from Kelly Field, Tex., to Rantoul. There was no objection to climatic conditions. That matter had received consideration. Rantoul had been a school to train aviators in the art of flying and had served a useful purpose during the war.

The geographical location of the school, as disclosed by the report of the committee investigating the sites, was most favorable. We find in the hearings before the subcommittee, at page 36, a copy of the report of the board, which reads in part, as follows:

The geographical location of Chanute Field is good in relation to other Air Corps stations, recruiting areas, and supply points. It is also a good strategical location for a school.

So far as location is concerned, as stated in the report itself, Chanute Field is most nearly centrally located. It is better located in relation to its distance from supplies and recruiting activities. What was lacking at this school seems to be a bombing field and machine-gun range, something that never before had been used in connection with such a school.

I read again from the report of the hearings before the Senate committee, in which the statement is made:

As far as the flying is concerned, in practically all of these courses, we have a very thorough theoretical course, in classrooms and in the laboratories, and this classroom and laboratory work is followed by practical demonstrations in the air.

Of course, photography can't be more than half taught on the ground. The men must be taken into the air to teach them the use of the apparatus. As far as our armament is concerned, we feel that the greatest thing which is lacking at Chanute Field is a possibility—

Not a necessity, but a possibility—

of a bombing field, and a machine-gun range.

At this school, located at Chanute Field, there is nothing lacking so far as activities for which the school is intended are concerned. The bombing field and machine-gun range were matters which occurred to this board long after they had started on their tour of investigation. It was an afterthought on the part of the particular board. I read from page 83 of the report of the hearings before the Senate subcommittee, where we find this significant language:

Major LYONS. When we went to Chanute Field we had already put out the requirements, but as far as a bombing- and machine-gun range was concerned we knew they were desirable, but whether or not they were necessary we weren't sure.

Congressman DOBBINS. This question was asked of Mr. Clark, on page 11:

Representative DOBBINS was referring to questions asked upon the visit to Chanute Field of a Mr. Clark, and inserted the following in the record at the committee hearings:

Question. If at any time it should become necessary to expand the field, either in time of war or for bombing and gunnery ranges, what are the surroundings of this place, and would the cost of expansion be exorbitant?

That question was asked by a member of the board. The response by Mr. Clark was:

How much of an area would you suggest that might be necessary?

The answer from the board was:

Let us say another half section.

The answer was:

Land around here at this time is ranging from \$85 to \$105 an acre. Of course the land around here was very high priced at one time. A half section of land could be purchased at any time without difficulty.

So that is what we get from the record as the board's idea of the additional land necessary to be acquired for a bombing field and a machine-gun range. Anyone familiar with these activities necessarily knows that such a tract of land would be sufficient. The Army aviators do not explode bombs on these ranges. They do not waste the ammunition. They simply drop at a target bombs that are not explosive but that are made for practice purposes; bombs of the size and of the weight of the ordinary air bombs. They do this in the practice work, and never do they waste the Nation's money in using explosives. Those tests are made in other fields; and those tests are not necessarily connected with any activity or any purpose for which this school could be established.

So the only pegs upon which the members of this board could possibly hang their hats were temperature and flying conditions. I desire to call the attention of the Senate to the state of the record as contradicting the report that they made as to what those conditions were. Even the eminent Senator from Texas [Mr. SHEPPARD] was misled by that report. In his address to the Senate on last Monday he stated that some 86 sites had been investigated before a determination was made. That language appears at page 1031 of the CONGRESSIONAL RECORD of January 27. He said:

The Secretary of War, in communicating with the Senate Military Affairs Committee on March 13, 1935, stated in part that in order to obtain an intelligent estimate of the factors involved he had appointed a board of Air Corps officers and directed them to make a comprehensive survey of all localities involved. After personally investigating some 86 different sites in all sections of the United States, this board came to the conclusion that the present location at Rantoul, Ill., was unsuitable as a location for the Air Corps Technical School and that the best location for the school it could find, after investigating these 86 sites, was Denver, Colo.

As against that statement, the report of the board, at pages 55 and 56 of the hearings before the Senate committee, quoting Colonel Yount, who was the chairman of the board, states:

We inspected 57 localities during this trip, and at several of these places we were asked by members of committees if political influence would be of any advantage, if there was anything that they might do politically toward influencing the selection of this site. In every case we informed them that, as far as we were concerned, there was absolutely nothing political in our investigation, and naturally there couldn't be.

It stands to reason that in the short time during which this board carried on its activities it could not make a proper investigation and determination of 57 sites, much less of 86 sites. I do not know where those 57 cities or 57 fields were located; I do not know how far apart they were; but certainly the investigation could not have been a very thorough one.

As I said, Rantoul Field was established during the war to train men in aviation. At that time no objection was urged against the climate, against the conditions, against the surroundings. It was considered a perfectly proper place to locate this school; and it was located, I think, with the very least of interference. I have a right to assume that in locating this school at Rantoul, those who were charged with the duty of selecting a site performed that duty and gave consideration to every element necessary to enter into the proper location of the school. But, of course, when there is a contest on temperature and weather, I will admit that those localities which have advertised themselves and which have majored upon their beautiful climate and their healthful location are a little more expert in contesting the matter than Illinois.

I do not know what correspondence passed between the chamber of commerce and the chairman of this board. I desire again to call the attention of the Senate to the language in a letter written by Representative LEWIS to this same Col. B. K. Yount, in which he says:

As requested by Mr. Shinn and by you—

By the chairman of the board who had a school to locate and by the one who represented the agency which was there for the purpose of inducing the school to be located at that place.

As requested by Mr. Shinn and by you, I can assure you that there will be no "leak"—

L-e-a-k—

from this office concerning the correspondence between you and the Denver Chamber of Commerce.

When I find that language there I must look to this record to ascertain and determine for myself what might have been in the mind of the author of the letter when he used the word "leak", because ordinarily when we are locating an activity of this kind we do not care how many leaks there are. The transaction should be open and aboveboard. In seeking to ascertain what might be in the author's mind in reference to a "leak", I am making no charges at all. I am letting the record speak for itself. The record stands as its own impeachment. The report stands as a misrepresentation of the facts upon which it was founded.

In the first place, the advocates of this bill major on the fact that no member of this board served at Rantoul. Why that was done I am unable to say. They seem to think that it implies a lack of prejudice because they did not select anyone who knew that location, who knew the climatic conditions there, who knew all the conditions that were necessary properly to locate this air school. I have my suspicions that the reason why they did not select someone who served at Rantoul is that they were not anxious that someone should be there to know what this particular record should contain.

The first impeachment of this record is that the language on page 36 is absolutely unfounded upon any evidence in the record. I am reading now from the report of the board of four appointed to locate the school, found at page 36 of the Senate subcommittee's hearing:

The climate in this section is very poor for the operations of the Air Corps Technical School. The reduced visibility, due to dense and light fog and haze, and to rain and snow, interferes a great deal, particularly in the execution of photographic machines. The unsatisfactory climatic conditions were commented upon in all departments of the school. Chanute Field is in a section where there are great extremes of temperature both winter and summer, the thermometer recording temperatures in the winter well below zero, with an average of 38 days continuously below freezing, and in the summer going many times to over 100, with 60 days having temperatures over 90. The humidity is high, making the cold weather very penetrating and the hot days of the summer very uncomfortable.

That is about as bad a condition for a human being to live in as one could describe.

Let us see what the record shows.

I read, from page 30 of the hearings, the record of the weather conditions of Chanute Field, as embodied in a letter written to Mr. W. Lloyd Keepers, of Champaign, Ill., by H. P. Etler, weather clerk, under date of March 26, 1935:

MY DEAR MR. KEEPERS: In response to your inquiry about weather conditions in this area, I am glad to submit data from our files and regular reports.

Now, pay attention to this—

This station has been in existence since 1888 as a cooperative station of the United States Weather Department.

He refers to the station at Rantoul.

Our records show that over the last 5-year period, from 1930-34, inclusive, the average number of days that temperature reached 90 degrees is 39.2.

It was 39.2 as against 60, just about two-thirds.

Another letter, written to Representative DOBBINS, found on page 28 of the report of the subcommittee, reads as follows:

HON. DONALD C. DOBBINS,

House of Representatives, Washington, D. C.

DEAR MR. DOBBINS: The following is the number of days with a maximum temperature of 90° or over at Rantoul, Ill., for the years 1924 to 1934, inclusive.

In 1924 there were 10 days; in 1925 there were 38 days; in 1926 there were 20 days; in 1927 there were 15 days;

in 1928 there were 7 days; in 1929 there were 8 days; in 1930 there were 31 days; in 1931 there were 34 days; in 1932 there were 16 days; in 1933 there were 44 days; in 1934 there were 44 days.

There is no record on which they could base the statement in the report that there were 60 days on which the temperature was over 90°. The letter continues:

These data are from the records of the Signal Corps meteorological station at Chanute Field, Rantoul, Ill.

Why did they not take those into consideration when they were making their report as to weather conditions, upon which they were to impeach the present location of this field? What is their excuse?

On page 58 we find some significant testimony. I read now from the report of the proceedings before the Senate subcommittee. Senator SCHWELLENBACH asked the following question:

The point they raise on that, they say that your report says that the number of days at Rantoul when the temperature gets over 90 is 60, and they then submit a letter from the office of the Chief Signal Officer of the War Department, shown on page 28, showing in 1924 there were 10 days, 1925 there were 38 days, 1926 there were 20 days, 1927 there were 15 days, 1928 there were 7 days, 1929 there were 8 days, 1930 there were 31 days, 1931 there were 34 days, 1932 there were 16 days, 1933 there were 44 days, and 1934 there were 44 days.

Colonel YOUNT. Major Lyon has made quite a study of that, Senator, if he may reply to that question.

Listen to this, Senators:

Major LYON. When we were at Chanute Field, we didn't obtain any figures like those obtained here, and we didn't obtain anything but a general statement on climate. In order to get the best available testimony, we took the city of Springfield, at which the United States Weather Bureau maintains a station. The witness here states it is grossly exaggerated in either sense.

I call your attention to the United States meteorological report for Springfield for 1933, which shows a total of 60 days, with temperatures over 90.

Senator SCHWELLENBACH. Is it a fact that the Signal Corps maintains a meteorological station at Chanute Field?

Major LYON. These figures are taken by privates, although they are considered fairly good, a private is rather a low-paid individual to take as against the report.

These boys, who have to have a high-school education, these boys, who are the flower of this country, as intelligent, I dare say, as the gentleman who tries to contradict them, are referred to in this way, and their word is not taken, although they are serving the Government, because, he says, they are rather low-paid individuals to take against the report. In other words, they are anxious for the report to stand against any statement of evidence in the record.

Going further, Senator SCHWELLENBACH said:

He doesn't have to be so smart to look at the temperature.

Colonel YOUNT. May I just say a word there? There certainly was no effort made to mislead at all. The weather data furnished us at Rantoul contained no information of maximum temperatures, and we didn't discover that until we were ready to prepare our report.

Can we believe a thing of that kind? They did not know, he says, until they were ready to prepare the report that there was nothing in the record concerning the maximum temperatures at Chanute Field.

There is another thing which I think is possibly significant in the consideration of this matter. I refer to a letter by the Air Line Pilots Association, by Mr. David L. Behncke, president. That particular gentleman ought to know something about that of which he speaks, and in his letter I find the following:

Chanute Field is certainly everything I have claimed for it, and there is not a doubt in the world that it should remain as a permanent Government flying-field site. During the war it was one of the most successful flying fields and turned out hundreds of trained student flyers.

Furthermore, it seems that all other sections of the country have been amply provided with Army or Navy stations, whereas the Middle West is not. In addition to being an excellent training center for any type of flying, this field would also make an excellent concentration point for aircraft in time of war should our boundaries be invaded because of its centralized location. It is also in the heart of the wealthiest all-around section in the country, and certainly deserves consideration in the air-defense scheme of this country.

Continuing, he said:

I do not believe, however, that you will find much support from the "brass hats" of the Army—

I do not know what he means by that—

because Army officers seem to be partial to social life and prefer to be stationed near large cities. But from all practical viewpoints, Chanute Field is an excellent flying base, and I would be glad to testify before the Military Affairs Committee any time to that effect.

It is said Chanute Field is foggy. In the report of the hearings, on page 33, we find the following:

There is an annual average of 9 days of dense fog with a relatively high percentage of days with moderate or light fog. No recorded data on haze conditions are available, but it is known there are a great many days of light fog—8 per month in 1933.

I do not know where they got this information. They do not give the basis upon which the statement is predicated. Continuing, it is said:

The number of poor flying days, especially for photographic work, is exceedingly high. This was the subject of much complaint in the investigation of the officers in charge of the various activities of the school.

What do we find the conditions to be as disclosed in their own report? Peoria is in the same latitude with this field, perhaps less than a hundred miles west of Champaign, and they have incorporated in this record the data furnished from the station at Peoria, which show that the wind average hourly velocity in Peoria is 7.7, as against that in Denver of 8.1.

Let me call attention to this: They show that the number of clear days at Peoria in 1934 was 178, as against 120 in Denver. In other words, there were 58 more clear days, 58 more days when there were blue skies above the city of Peoria than in the city of Denver.

I am now reading from their own evidence. The number of cloudy days in Peoria was 95, as against 79 in Denver. Sixteen more cloudy days in Peoria than there were at Denver. The number of partly cloudy days was 92 in Peoria, as against 166 in Denver. That makes a difference of some 74 days. And they say from that record that they are taking the weather conditions into consideration and are impelled to move this school because of the foggy condition of the weather at Rantoul Field.

I shall not take the time of the Senate to go into the other colors painted in the report. Those making the report paint a health condition for Rantoul Field which I resent. I would not be doing my duty on the floor of the Senate if I were to permit Colonel Yount to go unchallenged in his slander of my State and one of its institutions by stating in the record before the Senate committee that that country was unhealthy and almost uninhabitable.

The seasons are just as fair in Illinois as they are anywhere. The climate may not be as cool in the summer as in Colorado. However, human beings can live there and enjoy themselves. The spring rains come and the country around the field is not a marsh or a bog. The April showers leave a clear sky behind them. The summer comes without fog, without haze. When it comes to the autumn season in September, October, and extending on into November, the autumn climate is the most beautiful in the land.

I am not going to let a chamber of commerce and a board of officers speaking for a more socially advantageous location than Rantoul Field slander my State and slander the university of my State where its children are educated, a university established in a city of some 40,000 and having some 20,000 students. I am not going to have it discriminated against and have misinformation concerning it spread abroad by means of a false report emanating from a board appointed for the purpose of taking an institution away from my State and placing it somewhere else where the entertainment of the chamber of commerce is such that they cannot possibly resist its influence and certain negotiations are had which are of such character that there must be no "leak" so that the public will know what those transactions are.

There is talk about a bombing field. That only occurred to those investigating the question when they went to Denver and determined to locate there. They can get vast areas in the Rockies. They need not have them 10 miles square; they can get areas 50 miles square on which a crow could not light and which are not fit for anything. Do we want our boys, while engaged in experimental flights, to come down in that kind of territory? Every time a plane is forced to land it means the death of the aviator. But that was a matter of after consideration. When they were at Rantoul Field all they considered necessary for bombing practice was an additional half section of land.

Reference is made to machine-gun ranges. We have machine-gun ranges in Illinois. Machine-gun ranges can be established anywhere where there is a hillside. Such a range does not need a mountain thousands of feet high, with the eternal snows above. It just needs a bank back of the target to avoid danger.

I do not know that I care to take any more of the time of the Senate on this subject. I think the proposal is an outrage sought to be perpetrated on my State. On the state of the record, I think if there is any community in the United States which is not deserving of having this field located in it, it is the city of Denver, Colo. Better locate it at the place where the junior Senator from Colorado lives. Better locate it at Colorado Springs.

The Senator from Texas [Mr. SHEPPARD], with all the beautiful conditions surrounding the fields in his State, reported at least more favorably to Chanute Field than some of the others. Why he should so humbly surrender and lend such powerful assistance to those who wish to move the field to Colorado I am unable to understand. I know his patriotism for his State is intense. I know he is loyal, and he is true, but why he should aid in this attempt I am unable to understand. There is not a man in the Senate for whom I have more respect and more love than I have for the Senator from Texas; and I am satisfied if he understood what the facts were, if those studying this question had not been imposed upon by the fixing up of the record and the report, that he would be as militant as I am in opposing the removal of this field from its present site.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. DIETERICH. I yield.

Mr. BARKLEY. I wish to ask a question purely as a matter of information. I have no prejudice whatever as between Illinois and Colorado, and I am equally devoted to the very able and distinguished Senators who represent both States. However, there is one matter about which I am somewhat in doubt, and that is the ability to secure at the present site sufficient unoccupied land or territory for use as a bombing field. Knowing a little something about airports and training schools, some in my family having had certain experience in that connection, the matter presents itself to me as the stumbling block with respect to the maintenance of the school at its present site. What is the fact about that?

Mr. DIETERICH. The fact is that it depends upon how much land is necessary to be acquired.

Mr. BARKLEY. I was told that they wanted a tract of land 10 miles square.

Mr. DIETERICH. There is no necessity for that, whether they say so or not, because the actual testing of the explosives will not occur there. The bombing practice is carried on by dropping sand bags from a plane at a target. That can be done over a comparatively small area. If they want a larger field, there is in the neighboring State of Indiana a field 5 or 10 miles square which can be acquired cheaply. That field is in close proximity to Chanute Field.

Mr. BARKLEY. Where is Chanute Field located geographically?

Mr. DIETERICH. Chanute Field is located along the western side of Illinois, near the center of the State, a little north of the center.

Mr. BARKLEY. How far would it be from there to the Indiana field the Senator refers to?

Mr. DIETERICH. I judge a flight of 50 or 60 miles would take one to that field. The Senator must understand that this field and this school are there simply for the purpose of instructing the mechanics in the subject of perfecting the mechanisms which are necessary to be used in air activity, those mechanisms which drop the bombs, the engines, and everything about airplanes and their equipment. It is a mechanical school; it is not a flying school.

Mr. BARKLEY. Yes; but still they have to be able to demonstrate.

Mr. DIETERICH. The demonstrations are not conducted with actual bombs. They demonstrate with dummy bombs. They never demonstrate with actual bombs.

Mr. BARKLEY. To what extent does the absence of the sort of field the Army wants at Rantoul affect the thoroughness of the training of those for whom the school is established?

Mr. DIETERICH. I will answer the Senator by saying it does not affect it at all. The record shows that when they went to Rantoul they had not decided upon whether it was even necessary to acquire a field of that kind. They were not certain whether it was necessary to acquire it in close proximity to the present field. However, the record discloses that west of Denver, in the mountains which rise abruptly some distance from the field, they can find spaces of land where they can create testing grounds. They have them now.

It is upon this question that the Senate is confused, and that is where the board's report is confusing. A testing ground and this field are not necessarily connected, and it is not necessarily economy to connect them. When they first talked about moving the field they used the argument that they wanted to move it to Dayton, Ohio, where other air activities were located; that they were doing it as a matter of economy and as a matter of giving enlisted men and others who entered that course of study that additional training. When they said it was a matter of economy and when they said it was a matter of raising efficiency the Senators from Illinois could not make much of a protest against it in favor of a local institution. But the present proposed removal is not for that purpose.

Mr. BARKLEY. I do not have any expert knowledge about the subject, but it occurs to me to be rather incongruous to have a training school at one place and to have a testing field for the very people who are in the training school 60 miles away, or any other great distance away, whether it be in Illinois or in Colorado.

Mr. DIETERICH. They do not expect to have it near the proposed Colorado field according to their report.

Mr. BARKLEY. How close do they expect to have it?

Mr. DIETERICH. I think some 30 or 40 miles away.

Mr. BARKLEY. In other words, the men have to rise at the school in their planes, fly 30 to 60 miles, and then test what they have learned in the school.

Mr. DIETERICH. No. Let the Senator understand that the men at these schools do not do the rising in the planes and the testing. The aviator does the rising and testing.

Mr. BARKLEY. Is the aviator attached to the school or is he brought there?

Mr. DIETERICH. Not necessarily. Aviators are attached to the schools to try out the equipment, but it does not take any extensive area to try out equipment.

Mr. BARKLEY. One thing troubles me, and I think it affects other Members. It is that the more we find out about this matter the less we seem to know.

Mr. DIETERICH. That is true, and the more Senators read the record the less they will know. So I say the bill should be recommitted, and there should be an investigation where an opportunity will be afforded to present all the facts. The record discloses that great secrecy as to their activities was maintained by the board in other localities. They

said they pursued that course because they did not want it generally known that they were in other localities; that they would have been annoyed by chambers of commerce and interested citizens; but when they went to Denver they did not maintain such secrecy; they began immediately to let all the people of Denver know they were there, and they conducted correspondence concerning which they did not want any leaks.

Mr. BARKLEY. The Senator understands, of course, the activities of chambers of commerce everywhere—

Mr. DIETERICH. Yes.

Mr. BARKLEY. All chambers of commerce, from the United States Chamber of Commerce down to the smallest chamber of commerce. Whenever there is a rumor that any activity is to be moved from one place to another every chamber of commerce, of course, properly becomes active in undertaking to secure it. We have all had that experience here for years and years, especially since the World War, when the Government has been establishing these institutions at one place and another. I recall when the chamber of commerce of my own home city became very active years ago in respect to the location of an armor-plate factory, and I did all I could to secure its location there. Other chambers of commerce were equally active, and the armor-plate factory was located elsewhere, not because of the activity of any chamber of commerce but in spite of it, probably. So I do not think that we can afford to be influenced here by the activity, or the lack of it, on the part of any chamber of commerce which undertakes to justify its existence by bringing new institutions to its town.

Mr. DIETERICH. The Senator does not understand that I am not trying to interfere with any logical reasoning he might adopt?

Mr. BARKLEY. I understand.

Mr. DIETERICH. I am not built that way. The Senator's own conscience is responsible for any determination he may make, and his own investigation must disclose what he should do.

Mr. BARKLEY. I appreciate that.

Mr. DIETERICH. But I am simply setting forth what I feel is justice in this particular case.

Mr. BARKLEY. I have found it a little difficult to really get the background of this situation.

Mr. DIETERICH. And the Senator will find it difficult until the bill is recommitted and an investigation is had and more information is elicited as to the five sites which were proposed. These matters usually go into a Senate committee—and this is no criticism of the Senate committee—and when they are investigated and any agency of the Government represents that it has found certain facts and certain conditions in a certain place, the representations are usually taken as true, and the committee acts upon them. The Senator understands that. When I state that the conditions which the board has painted around the Chanute Field and which they claim to be the impelling motive actuating them, especially with respect to their statement that the sky is so hazy so much of the year that they cannot possibly train those in the school in photography, and when I show that those conditions are not so bad and are no worse than the conditions at the place where they intend to locate the school, does not the Senator think that should be given consideration? Does the Senator believe that a board of this kind should in any way misrepresent anything connected with the matter; and does not the Senator believe that such a board should avail itself of all the data, of all the authentic records that are necessary, in order that it may make a just determination of the purposes and the subject matter which they are appointed to consider?

Mr. BARKLEY. If I were presiding in the trial of the case, I would say that there is a scintilla of evidence which ought to be submitted to the jury with respect to the matter.

Mr. DIETERICH. I am submitting it to the jury. I think it is the first time that it has been submitted to a jury, and that is exactly the purpose for which I am here. I am submitting it to the jury of the Senate, and if the jury of the Senate feel that they want to place the institutions of

defense of this Government subject to the purchase of communities, and they want negotiations carried on that are not brought out to the light of day, whether they be good, bad, or otherwise, then that is for the Senate and the conscience of the Senate to determine; but I am going to do my duty in the matter and protest against this, because I think it is one of the greatest injustices that has ever been perpetrated.

I am reluctant even to point the finger of suspicion against any agency of my Government but certainly the board that was appointed to investigate this matter, wanted to remove this school from Rantoul, for what purpose I know not, except possibly there may have been some environment not at all entering into the training of the men at this school which motivated them. I am not saying that it was proper or improper.

I am somewhat surprised at the senior Senator from Colorado [Mr. COSTIGAN], for whom I have the greatest respect and admiration, and who, I think, has always stood on peaceful grounds. I do not know whether or not he understands they are going out there and starting bombing operations in the Rocky Mountains. If it is necessary to do that, they can throw the bombs into Lake Michigan and submerge them in water or throw them on waste land; but they are not going to explode bombs there. They are just going to practice with dummy bombs, and when they become expert enough they will be able to drop near a target a bomb that will carry destruction with it.

Mr. COSTIGAN. Mr. President, in view of the reference to the senior Senator from Colorado, I feel I should say at this moment, reserving the right to discuss the subject more fully later, that I have thus far today patiently awaited the conclusion of the statements of the Senator from Illinois [Mr. DIETERICH] and have refrained from making any comment because, when the subject was before the Senate last Monday, the Senator at one time said very definitely that he would "brook" no interruption of his discourse. I recognize his right under the Senate's rules to take that position, but I now ask the Senator from Illinois whether he does not feel there should be a fuller discussion by him on the basis of the record before the Senate, of certain statements made by the Representative from Illinois [Mr. DOBBINS], who represents the congressional district in which Rantoul is located, to the following effect, first that he saw no impropriety—and I think I quote his exact words—about the so-called "leak" letter; and second, that an adequate bombing field of the sort described by the Army, Navy, and Air Corps officers is not available in the vicinity of Rantoul because the cost would be prohibitive?

Mr. DIETERICH. I do not so understand the attitude of the Member of Congress representing the district in which Rantoul is located. I derive that understanding from the very last page of the hearings before the subcommittee, which evidently is the last thing that reflects his mind, in which he talks about the bombing field. If the Senate will permit me, I will read the extract again:

Congressman DOBBINS. Were not these requirements that were prepared, which listed eight or nine necessary factors, weren't they prepared before your visit to Chanute Field?

Major LYONS. When we went to Chanute Field we had already put out the requirements, but as far as a bombing and machine-gun range was concerned we knew they were desirable, but whether or not they were necessary, we weren't sure.

Congressman DOBBINS. This question was asked of Mr. Clark, on page 11.

He refers to Mr. Clark of Rantoul.

Question. If at any time it should become necessary to expand the field, either in time of war or for bombing and gunnery ranges, what are the surroundings of this place, and would the cost for expansion be exorbitant?

That is the very question which was asked by a member of the board. The answer by Mr. Clark was:

How much of an area would you suggest that might be necessary?

The question, again by a member of the board, was:

Let us say another half section.

That is one-half mile by 1 mile.

Answer. Land around here at this time is ranging from \$85 to \$105 an acre. Of course, the land around here was very high-priced at one time. A half section of land could be purchased at any time without difficulty.

It is my idea that until they got out to the mountains, where they could get waste land, they never thought of any greater area than this.

Mr. COSTIGAN. Mr. President, will the Senator yield further?

Mr. DIETERICH. Very well.

Mr. COSTIGAN. May I ask the Senator from Illinois why the answer of Major Lyons, who was testifying and whose attention was directed to this quoted interchange between Mr. Clark and whoever was propounding the question, was not also read by the Senator from Illinois? It appears on page 84 of the subcommittee's record. If the Senator does not wish to read it, I wish particularly to call his attention to it:

Major LYONS. Now, may I comment on that?

He was referring to the precise testimony to which the Senator from Illinois has just called the attention of the Senate:

Now, may I comment on that? At that time we were trying to see whether it would be possible to obtain at Chanute Field a range which could be used for dropping bombs, and so forth; that is, dummy bombs.

The following statement is the one to which I especially ask the attention of Senators, including the Senator from Illinois:

As far as a machine-gun range would be concerned, that would be very impractical, a half section.

To which Congressman DOBBINS answered with his usual fairness:

I should think so, offhand; but that was the statement made to the committee presenting the case.

That is all.

Does the Senator from Illinois interpret the language to which I have now called his attention, namely, that with respect to a machine-gun range, as worthy of additional comment, because it implies actual use of machine guns on a so-called machine-gun or bombing aerial gunnery or bombing range.

Mr. DIETERICH. I do not interpret that as significant at all. I do not know how much area is required for a machine-gun range, except that I know, or I think I know, or I had better say that I have the opinion that it would not require 10 miles square. It would not take any more than a mile square. It is said this is enough for a bombing range, so that is out of the question. As to the machine-gun range, the answer is that these are activities which are not now and never were connected with any such school activities.

FUNERAL EXPENSES OF THE LATE SENATOR SCHALL

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 213) submitted by Mr. McNARY for Mr. SHIPSTEAD on the 6th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Thomas D. Schall, late a Senator from the State of Minnesota, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR LONG

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 212) submitted by Mr. OVERTON on the 6th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the

actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Huey P. Long, late a Senator from the State of Louisiana, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ADDIE MOORE TRINKLE

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 216) submitted by Mr. BYRD on the 9th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1935, to Addie Moore Trinkle, widow of Clarence M. Trinkle, late an employee in the office of the Secretary of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXPENSES OF SPECIAL COMMITTEE ON INVESTIGATION OF THE MUNITIONS INDUSTRY

Mr. BYRNES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 221) reported by the Senator from North Dakota [Mr. NYE] on the 27th instant from the Special Committee on Investigation of the Munitions Industry. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 221), which was read, as follows:

Resolved, That the special committee appointed by the Vice President, under authority of Senate Resolution 206, agreed to April 12, 1934, to investigate the munitions industry, hereby is authorized to expend from the contingent fund of the Senate \$7,369 in addition to the amount heretofore authorized to be expended for the purposes set forth in said resolution: *Provided*, That the committee is requested to make its final report to the Senate, with recommendations for legislation at this session of Congress.

Mr. BYRNES. Mr. President, in this connection I wish to make a very brief statement. The Senator from Georgia [Mr. GEORGE], a member of the Munitions Committee, came before the Committee to Audit and Control the Expenses of the Senate. He advised us that the committee conducting the munitions inquiry had unanimously agreed to ask for the amount carried in this resolution, with the statement that \$2,754 is necessary to meet a deficit and that the balance of the \$7,369 is for the purpose of conducting additional hearings, for proofreading, and to make up the final report of the committee. The Senator from Georgia stated that the opinion of the Munitions Committee was unanimous, that not exceeding \$7,500 would be needed, and that this amount would be asked upon the definite understanding and agreement and concurrence of all members of the Munitions Committee that that committee would complete its hearings and make its report within the appropriation. The Senator from Georgia said the committee would bring the hearings to a final end, complete the investigation, and make their report.

The Senator from Georgia further informed the committee that hearings would be conducted for not to exceed 10 days; that in his opinion 7 or 8 days would be sufficient; that in his opinion a final report could be filed during the month of February or certainly very early in the month of March.

After hearing the statement of the Senator from Georgia that \$2,754 is needed to pay a deficit and that the balance is to be used to wind up the hearings, and the Senator from Georgia having stated that the agenda of the hearings to be held had met with the approval of the entire Munitions Committee, our committee favorably reported the resolution, and I ask for its adoption by the Senate.

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Is there objection to the request of the Senator from South Carolina?

Mr. McKELLAR. Mr. President, I have no objection to the resolution; I have no objection to its adoption by the Senate,

but a few days ago I introduced a resolution, which I desire to read at this time, and which I ask the Senator from South Carolina to accept as an amendment to the resolution which he has just reported, to be inserted at the end thereof. My proposed amendment reads:

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept funds from any private or public source, nor shall any allocation of funds be made to any such committee from the Works Progress Administration, or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee.

I offer that as an amendment to the resolution, and hope the Senator from South Carolina will accept it.

The Senate will recall what arose with reference to the Munitions Committee accepting funds from the Works Progress Administration. Upon that information coming to light, it was published in some of the newspapers that some gentlemen wanted to offer private funds or raise funds from private sources for carrying on this and similar investigations. It seems to me that investigations made by the Senate should be paid for by the Senate, and that no outside, extraneous persons or organizations or associations, either public or private, ought to be permitted to contribute money for investigations made for the purposes of the Senate. For that reason I am offering the amendment.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. McKELLAR. Certainly.

Mr. BYRNES. I have no objection to the purposes intended to be accomplished by the Senator's amendment. In some instances the Senate heretofore has authorized committees to accept the services of employees from departments of the Government. I do not think this amendment would prevent such action. However, the Senate can meet that situation hereafter. I have no objection to the amendment.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I have in mind a situation now existing. The Senate authorized the Interstate Commerce Committee to investigate the financing of railroads. The Committee on Interstate Commerce has requested the Interstate Commerce Commission to allow it to make use of a number of employees of the Commission, some of whom are familiar with the whole history of the financing of railroads, so that it is much more desirable that we get assistance from clerks and bureau chiefs and others in the Interstate Commerce Commission than to go outside and employ an entirely new staff.

Mr. McKELLAR. My amendment would not interfere with that procedure.

Mr. BYRNES. I have read the Senator's amendment just now for the first time. I had in mind what the Senator from Kentucky has just suggested. The amendment of the Senator from Tennessee provides against "any allocations of funds being made to any such committee from the Works Progress Administration", and so forth. The Senate has heretofore and could hereafter authorize the securing of information, but as I understand the language of the amendment as it now reads, there is to be no allocation of funds from Federal or State agencies except from the Senate itself.

Mr. McKELLAR. The amendment would not interfere with the situation the Senator from Kentucky has in mind.

Mr. BARKLEY. The Senator does not intend by his amendment to prevent the Interstate Commerce Commission assigning to our committee a clerk or several clerks to assist the committee?

Mr. McKELLAR. In my judgment the amendment would not have that effect, because the Senator's committee has a right to require assistance from the Interstate Commerce Commission at any time.

Mr. WHEELER. Mr. President, if the Senator will yield—

Mr. BYRNES. I yield to the Senator from Montana.

Mr. WHEELER. It will be recalled that the resolution adopted by the Senate authorizing an investigation of the railroads was amended in the committee of the Senator from South Carolina by the adoption of an amendment directing the committee to call upon the various departments of the Government for aid and assistance. I have not a copy of the resolution before me, but I have sent for a copy.

Mr. BYRNES. I remember the language of it, and I had it in mind when the amendment of the Senator from Tennessee was offered. If that amendment would interfere with what the Senator from Montana has in mind—namely, the authority contained in that resolution to call upon the departments for assistance in securing information—I certainly should object to the amendment. The language of the amendment is, however, "shall receive or accept any funds", "nor shall any allocation of funds be made." I do not understand that any department is allocating funds to the committee of the Senator from Montana.

Mr. WHEELER. No.

Mr. McKELLAR. And they should not do it.

Mr. BYRNES. It has not been done and it was not authorized, and that is the only reason why I agreed to the amendment of the Senator from Tennessee.

Mr. McKELLAR. May the amendment be stated?

Mr. NYE. Mr. President, before the amendment is stated, I should like to ask the Senator from Tennessee a question. Does he consider that at the present time the rules or the law will permit any Senate committee to accept private funds in the conduct of an investigation?

Mr. McKELLAR. No, I do not; but, whether that is true or not, I recall that immediately after this controversy arose a gentleman gave an interview about it which was widely published in the newspapers, in which he said that he would undertake to raise the funds necessary for this committee to complete its work.

I do not believe either the Senator from North Dakota or any other Member of this body would approve a policy of permitting private or public funds to be raised for the purpose of aiding the Senate in making its investigations. All this amendment does is to announce the sense of the Senate that it is opposed to anything of that sort; and I think it is.

Mr. NYE. I hope the Senator from Tennessee has observed that when, a week ago, an offer was made of private funds with which to continue the investigation, I made it very clear that there was no rule or law which would permit the acceptance of any such private offer.

I may say to the Senator from Tennessee that thousands upon thousands of dollars have been offered by other individuals who have written offering to underwrite the investigation. Each one has had to be advised that the rules and the law would not permit the acceptance of any such help. In addition thereto, there have been many contributions of dollars and of half dollars and of quarters, all of which have had to be returned because of what is understood and known to be the law forbidding the acceptance of private funds in the conduct of an investigation by a Senate committee.

Mr. BYRNES. I have no objection to the amendment. However, I will say to the Senator from Tennessee that I asked for recognition at this time, believing that since this was a unanimous report from the committee, it would not provoke any lengthy debate. I hope we can get a vote on the resolution.

Mr. McKELLAR. I did not think the amendment would provoke any lengthy debate, because I believe the Senate without a single exception is in favor of the policy therein announced. I hope the amendment may be stated and then adopted.

Mr. WHEELER. Mr. President, before the amendment is acted upon I desire to state, in order to make this matter clear, that I think what we are going to run into if this provision shall be included in the resolution is that the Department is going to say, "We cannot assign anyone to assist your committee because that may be interpreted as an allotment of funds."

If that is the case, let me call attention to this fact: The Interstate Commerce Committee has asked the Interstate Commerce Commission at various times to assign persons to help us in the work of the committee. At the last session of Congress—and it has been the practice, not only since I have been chairman of the committee, but when the former Senator from Indiana, Mr. Watson, was chairman, I think, and when the Senator from Michigan [Mr. Couzens] was chairman—somebody was assigned to the committee for the purpose of assisting us in doing that work. The same thing is true in the pending investigation. We have called upon various departments to assign somebody to us to assist us in getting certain information. I am afraid that unless there is a provision in this resolution permitting that to be done, the amendment of the Senator from Tennessee would lead to its discontinuance.

Mr. BYRNES. Mr. President, I agreed that I would not interrupt the consideration of the pending measure with a matter which would lead to lengthy discussion. Therefore, if I cannot induce the Senator from Tennessee to offer at another time his resolution, about which I think we could have an agreement, I shall have to withdraw my request for consideration of the resolution reported by me at this time.

Mr. COSTIGAN. Mr. President, before the Senator from South Carolina takes his seat I desire to ask whether he regards the resolution of the Senator from Tennessee as a suspension or amendment or modification of any rule of the Senate.

Mr. BYRNES. Mr. President, of course it would not be. It is simply an expression of the sense of the Senate; and, as a matter of fact, when the Committee to Audit and Control the Contingent Expenses of the Senate shall report another resolution as to an investigation the Senate may authorize anything that it wishes to authorize at that time. A resolution of this kind cannot govern the future action of the Senate. The Senator from Tennessee has said that it merely presents an expression of the view of the Senate.

Mr. McKELLAR. That is all; but that expression should be made while this resolution is under consideration, or some other resolution that appropriates money.

Mr. BYRNES. I withdraw the resolution.

Mr. McKELLAR. May the amendment be read by the clerk, so that we may have it before the Senate when it is again brought up?

The PRESIDING OFFICER (Mr. Holt in the chair). The amendment will be stated for the information of the Senate.

The CHIEF CLERK. In Senate Resolution 221, at the end of line 9, it is proposed to add:

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept any funds from any private or public source, nor shall any allocations of funds be made to any such committee from the Works Progress Administration or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee.

Mr. BYRNES. Mr. President, this resolution is lying on the table and may be called up by the Senator from Tennessee. I desire to ask the Senator from Tennessee whether he will not permit the resolution which has been read to be adopted and then call up his resolution?

Mr. McKELLAR. I hope the Senator from South Carolina will not ask to have that done, because the resolution reported from the committee of the Senator from South Carolina specifically provides for closing the investigation of the Munitions Committee. This whole matter arose out of the actions of the Munitions Committee, and the two resolutions ought to be considered together. I hope, therefore, the Senator will let the matter go over at this time.

Mr. BYRNES. I desire to say to the Senator from Tennessee that the Committee to Audit and Control the Contingent Expenses of the Senate reported the resolution, as I advised the Senate, upon the statement of the Senator from Georgia [Mr. George] as to the exact purposes for which this money is to be used, and I have set it forth in the Record; so we are assured by the committee that the

question in which the Senator is interested will not arise in any further conduct of hearings by this particular committee. If it affects any committee, it is the committee of which the Senator from Montana [Mr. WHEELER] is the chairman; and if the resolution of the Senator from Tennessee may be called up at some subsequent time, the Senator from Montana will have opportunity to investigate it and determine whether or not it will interfere with the work of his committee.

Mr. McKELLAR. I hope the Senator from Montana and all other Senators who are interested in the resolution will look at it and see. I am quite sure, when they look at it, they will find that it is in entire accord with what they believe is the right method of making these investigations; and I am sure we can bring it up—

Mr. HASTINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware will state it.

Mr. HASTINGS. Is it or not true that the Senator from South Carolina [Mr. BYRNES] has withdrawn his request?

Mr. BYRNES. I have withdrawn the request.

PIERRE S. DU PONT

Mr. HASTINGS. Mr. President, I was not present on Thursday when the junior Senator from Washington [Mr. SCHWELLENBACH] addressed the Senate upon the subject of the American Liberty League. I do not rise now for the purpose of defending that organization, but in the course of the Senator's speech he made such a vicious attack, uttered such an infamous slander, against one of the most distinguished citizens of my State that I feel called upon to make a brief reply.

If the Senator from Washington had made that speech anywhere in Delaware, before a gathering of either its wealthiest citizens or its poorest citizens, it would have met with unanimous condemnation.

Mr. Pierre S. Du Pont does not take a very active part in politics in my State, but he did actively support Alfred E. Smith for President in 1928 and he did actively support Franklin D. Roosevelt for President in 1932. I have always believed that his close personal friend, Mr. John J. Raskob, who was made chairman of the Democratic National Committee in 1928 and who advanced to the Democratic Party something like a half million dollars, was largely responsible for Mr. Du Pont's activities in trying to elect Democratic Presidents. I do not know that to be a fact, but it has always been my personal opinion.

While I admit that I am a partisan in politics, I hope it may never be said of me that I refused to come to the defense of an honorable resident of my State who had been scandalously abused by a Member of the United States Senate, regardless of whether such person be a Republican or a Democrat. This duty is emphasized when such an attack is made in the Senate, where the cloak of the distinguished office prevents any kind of redress. This attack becomes the more reprehensible because it undertakes to convict without knowing the facts, or before any opportunity has been given to Mr. Du Pont and Mr. Raskob to disclose the facts.

On March 15, 1930, Mr. Du Pont filed his 1929 income-tax return, and paid to the Federal Government, on the dates required by the statute, a total of \$4,443,702.17. When the revenue agents examined his accounts and examined these very transactions between Mr. Du Pont and Mr. Raskob, it was discovered that an agent of Mr. Du Pont had, during the 30-day period, without Mr. Du Pont's knowledge, purchased some of the stocks which Mr. Du Pont had sold. Revenue agents claimed a deficiency of \$120,286.70, and Mr. Du Pont paid that sum on October 31, 1931, 2 days after the revenue agent's report was received. This made a total paid in taxes for the year 1929 of \$4,563,988.87. Mr. Du Pont had claimed deductions for charitable contributions of \$774,332.44. The revenue agents found the amount that was actually deductible to be \$982,473.85, an increase over the amount Mr. Du Pont claimed of \$208,141.41.

Subsequently, however, the Bureau of Internal Revenue reversed the position it had taken for many years, and ruled

that charitable contributions should be measured by taxpayer's ordinary net income, without reference to his capital gains. On the basis of this new ruling, the Bureau asserted a deficiency tax against Mr. Du Pont of \$164,477.31. That was the one question, and the only question, that was in dispute in the Revenue Department with respect to Mr. Du Pont's income tax of 1929.

It was agreed by Mr. Du Pont's counsel, and the counsel for the Bureau, that nothing should be done with this matter until the Supreme Court had decided a similar case then pending. This case was decided—and against the Government—on November 5, 1934. The last continuance agreed to by Mr. Du Pont was a continuance from May 7, 1934, to the fall calendar of 1934.

In the month of March 1935, however, after the Liberty League had become somewhat active, Mr. Du Pont was requested to appear before the Internal Revenue Department, and when he appeared he was asked some questions with respect to these transactions between himself and Mr. Raskob. He was asked the important question whether or not they were bona-fide transactions. He assured the Department that they were bona fide.

Here was the implication of a charge of fraud. Here was the intimation of terrorism in government. It is impossible for reasonable persons to believe that there is not a direct relation between this intimation made by the Department to Mr. Du Pont and the relation of Mr. Du Pont and Mr. Raskob to an organization opposing New Deal policies.

However, nothing more was heard of it until September 12, 1935, when the Commissioner of Internal Revenue mailed a notice to Mr. Du Pont advising him that another audit of his accounts would be made. Four auditors shortly thereafter appeared to make this examination.

In the meantime, the counsel for the Commissioner, not Mr. Du Pont, procured continuance in this case from December 3 to December 21, 1935, and on December 21 the Commissioner procured a still further extension of time in which to file an amended answer until January 6, 1936. It was not until this answer was filed on January 6, 1936, that the Government ever set up any claim of fraud in these transactions between Mr. Raskob and Mr. Du Pont in 1929. And may I call the Senate's attention to this fact: The amount the government now claims as a deficiency because of these transactions is \$486,000, or approximately 10-percent increase over the taxes paid. Mr. Du Pont paid one one-hundred-and-eighty-third part of all taxes paid by individuals for 1929. That is, if we divide the whole amount collected by the Treasury from all individuals for that year into 183 parts, we find Mr. Du Pont paying one of those full parts.

This man who paid more than 4½ millions of dollars to the Government as an income tax for 1929; this man, who contributed to charity during that year but slightly less than a million dollars, or a total of more than 5½ million dollars to his Government and to charity, is now held up by the junior Senator from Washington as being guilty of "as high a degree of criminality as has ever been perpetrated by racketeers who were finally put in the penitentiary." He refers to Mr. Du Pont and his friends as "leeches", "blood-suckers", as "rascals", and "crooks", and it seems to me that it is not too much to say that that speech will ever remain a blot upon the Senator's record, if not a blot upon the record of this great body itself. It does no credit to the Senator who delivered it; it does no credit to the person or persons who conceived it. It does one thing, however; it bears out the prediction of Mr. Farley that the 1936 campaign is to be the dirtiest campaign in all history. But this unwarranted attack, this outburst of vituperation, can do but little harm to one of the finest characters this or any other generation has produced in America.

Mr. SCHWELLENBACH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Washington?

Mr. HASTINGS. I yield.

Mr. SCHWELLENBACH. Does the Senator from Delaware desire to have the Members of the Senate understand

that he places his stamp of approval upon the transactions between Mr. Raskob and Mr. Du Pont during the months of November and December 1929, and during the early part of 1930? Does he want the Senate to understand that he approves those transactions?

Mr. HASTINGS. I do not approve or disapprove, but I say in reply to the Senator, that I condemn any effort to try in the Senate a case that is pending before the Board of Tax Appeals. I complain of the Senator for making this statement to the country about this man being a crook and a rascal without knowing the facts. That is of what I complain. And may I inquire of the Senator whether, after consideration, he thinks he was justified in making that allegation upon the floor of the Senate, when he knows he would not dare go to any other place in this country and make it? May I ask that question of the Senator?

Mr. SCHWELLENBACH. The Senator has submitted a question which I will be very glad to answer. The statement I made upon the floor of the Senate was made as a result of a full examination upon my part.

Mr. HASTINGS. Examination of what?

Mr. SCHWELLENBACH. If the Senator will yield until I finish my sentence he will know.

Mr. HASTINGS. I beg pardon.

Mr. SCHWELLENBACH. It was made after a full examination on my part of the records of the transactions. I did not make it without knowing the facts. I made it realizing what the facts were, and realizing the implication involved when I said that when any two men would have a transaction of that kind for the purpose of attempting to defraud their Government out of money to which the Government was lawfully entitled under the law, I thought those two men were rascals and crooks. I made that statement on last Thursday, and I still believe it, and I think that when the record in the case is complete, it will be determined that I was correct in my contention.

Mr. HASTINGS. Mr. President, I do not care to get into any argument with the Senator with respect to the outrageous statement which the Senator made on the floor of the Senate about a reputable citizen of this country. If he wants to stand by it, let him do so.

Mr. SCHWELLENBACH. The Senator asked me a question, and I was simply responding to the question which he propounded.

Mr. HASTINGS. I ask unanimous consent to have printed at the end of my remarks an article appearing in the New York Times, quoting the president of the Bankers' Trust Co., and denying statements made about him by the Senator from Washington at the time he made his speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the New York Times of Jan. 26, 1936]

S. S. COLT REPLIES TO SCHWELLENBACH—HEAD OF BANKERS TRUST CO. CONTRADICTS STATEMENTS MADE IN SENATE

S. Sloan Colt, president of the Bankers Trust Co., authorized yesterday the following statement relative to a speech made on Thursday in the United States Senate by Senator SCHWELLENBACH, of Washington, and reported in newspapers on Friday, in which the Senator named the Bankers Trust Co. and John J. Raskob:

"Senator SCHWELLENBACH is quoted as making three references to this institution in a speech in the Senate on January 23. One statement was to the effect that the Bankers Trust Co. 'is today contributing \$20,000 to the American Liberty League.' The fact is that this company has never made a contribution to the American Liberty League either directly or indirectly. On February 28, 1935, a fully secured loan of \$20,000 was made to the American Liberty League, which was repaid in full on May 29, 1935.

"The Senator was further quoted as saying that in November 1929, this bank 'honored the check of Mr. Raskob for \$4,582,750 when he did not have the funds in the bank to cover it.' The Senator was also quoted as making a similar reference to another check drawn by Mr. Raskob in December 1929, in the amount of \$1,560,000. The facts are that Mr. Raskob made deposits on the days the checks were presented which were sufficient to pay the checks referred to and to leave a credit balance in his account on each day."

Mr. HASTINGS. I also ask unanimous consent to have printed in the RECORD a statement made by Mr. Raskob which was referred to by the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY JOHN J. RASKOB, CENTERVILLE, MD.

One could secure no better illustration of the tyranny which a Government bureau can inflict on a citizen than that presented in the United States Treasury Department attack on Mr. Pierre S. Du Pont, in which my name is mentioned and in which we both are charged with making pretended sales of securities to each other.

This attack on Mr. Du Pont is quite well timed with respect to the dinner of the American Liberty League to be given in Washington next week, and strongly emphasizes the need of a work such as the American Liberty League is undertaking if our citizens hope to avoid losing our constitutional form of government and instead having substituted a government of innumerable alphabetical bureaus to dictate the conduct of the daily lives of each and every one of us.

The facts in this tax case may be simply and clearly stated. In my case—and I understand the same is generally and substantially true in Mr. Du Pont's case—my 1929 tax return was completely audited by the Treasury Department and all the transactions passed several years ago. There was but one item in dispute. A case involving a similar item was carried to the Supreme Court of the United States and decided against the Government. By reason of this litigation our 1929 tax returns are still open, and it is only under this technicality of law that it is now possible for an administration, hostile to a citizen honestly opposing its socialistic policies, to carry on these proceedings.

It is true that in 1929 both Mr. Du Pont and I had substantial profits arising from the sale of securities. It is also true that due to the great drop in security prices during the latter part of that year we both had substantial losses in other securities. The income-tax laws, however, demanded that to establish these losses it was necessary to actually sell such securities. Neither of us had any desire to dump securities on the market and thus add to the fears and uncertainties of the panic and depression then existing. I, therefore, offered to sell certain securities to Mr. Du Pont at the then current market prices, which he purchased from me. He offered and sold to me certain other securities the law required him to sell in order to establish his losses. I purchased these securities from him at market prices then current and paid him by check, which was duly honored and paid against my account with the Bankers Trust Co. of New York. All of these securities were stocks actively dealt in on New York stock markets.

There was absolutely no agreement, written, oral, or implied, on the part of either of us with respect to repurchasing these securities as charged by the Treasury Department, nor has that Department one scrap of evidence to support that charge. Instead the Treasury Department has known all about these sales and purchases between Mr. Du Pont and me ever since it audited our 1929 income-tax returns 4 or 5 years ago, and it has never questioned the bona fides of these transactions until now. What better evidence could be offered to support a charge of tyranny and cheap politics against high administration officials? It would be interesting to know what my many Democratic friends in Congress think of this conduct.

The 1929 tax laws permitted a taxpayer to repurchase securities sold after a lapse of 60 days, and accordingly, after the lapse of proper time, I did repurchase from Mr. Du Pont the securities sold to him. But these repurchases were made at the then current market prices, which were substantially different than the prices at which I sold the securities, with the result that I incurred a substantial loss on the transactions. Mr. Du Pont repurchased the securities he sold to me, but only after the lapse of the proper legal time and at market prices then current.

All these transactions were deliberately entered into for the purpose of definitely establishing losses in the only way that such losses could be established under the law. The law definitely provided this opportunity for a taxpayer to establish definite losses to offset definite gains. And as previously stated, these transactions were never questioned until now—more than 6 years after their consummation.

It will be many months before the courts will have opportunity to render final decision in this matter.

The publicity given the case by the Government, the prominence of Mr. Du Pont and myself, and particularly our active interest in the American Liberty League are some of my reasons for inflicting the public with this statement of the facts in a case in which it is apparent that the Government's chief interest is in publicity. Fortunately, even the Government, let alone a few administration heads politically interested, is not strong enough to destroy by slander or otherwise the reputation of Mr. Du Pont—a really great and fine character, and a citizen whose integrity, honor, and love of country have become firmly established in the hearts and minds of his fellow citizens through nearly 50 years of active life in industry, philanthropies, and the political and social welfare of his State and country.

FEDERAL EMERGENCY RELIEF ADMINISTRATION

Mr. VANDENBERG. Mr. President, the Federal Emergency Relief Administration under date of January 2, 1936, issued an exceedingly illuminating and significant summary of the amount of Federal contribution made to relief necessities in each of the various States of the Union from Janu-

ary 1933 to October 1935. These are the latest available statistics. In the first instance I ask that that table may be printed in the *RECORD* and referred to the Committee on Appropriations.

There being no objection, the table was referred to the Committee on Appropriations and ordered to be printed in the *RECORD*, as follows:

Federal Emergency Relief Administration—Amount of obligations incurred for emergency relief,¹ by sources of funds, by States, January 1933 through September 1935

States	Obligations incurred for emergency relief						
	Total amount	Federal funds		State funds		Local funds	
		Amount	Per cent	Amount	Per cent	Amount	Per cent
Alabama.....	\$45,650,584	\$43,344,257	94.9	\$163,742	0.4	\$2,142,585	4.7
Arizona.....	17,959,396	15,295,050	85.2	2,280,797	12.7	383,549	2.1
Arkansas.....	40,541,707	39,077,384	96.4	301,712	.7	1,162,611	2.9
California.....	211,768,197	140,863,701	66.5	32,146,270	15.2	38,758,226	18.3
Colorado.....	44,529,523	37,462,453	84.1	2,036,569	4.6	5,030,501	11.3
Connecticut.....	49,059,911	21,523,055	43.9	4,861,938	9.9	22,674,918	46.2
Delaware.....	4,981,449	1,992,118	40.0	2,107,943	42.3	881,388	17.7
District of Columbia.....	18,661,386	13,887,413	74.4	—	—	4,773,973	25.6
Florida.....	40,333,624	38,804,727	96.2	14,949	(9)	1,513,948	3.8
Georgia.....	46,344,221	44,036,621	95.0	5	(9)	2,307,595	5.0
Idaho.....	14,836,814	12,574,052	84.7	606,612	4.1	1,656,150	11.2
Illinois.....	284,717,559	214,093,934	75.2	57,107,827	20.1	13,515,798	4.7
Indiana.....	77,104,759	51,237,302	66.5	162,409	.2	25,705,048	33.3
Iowa.....	38,531,661	22,735,998	59.0	3,254,753	8.4	12,540,910	32.6
Kansas.....	51,570,543	37,789,204	73.3	373,860	.7	13,407,479	26.0
Kentucky.....	42,470,263	36,832,157	86.7	2,049,271	4.8	3,588,835	8.5
Louisiana.....	51,233,011	49,619,549	96.9	1,697	(9)	1,611,765	3.1
Maine.....	21,637,222	11,205,661	51.8	1,809,071	8.4	8,622,490	39.8
Maryland.....	42,951,449	31,084,022	72.4	9,428,332	21.9	2,439,095	5.7
Massachusetts.....	200,320,810	104,653,291	52.2	530,686	.3	95,136,833	47.5
Michigan.....	162,221,634	118,874,501	73.3	25,195,184	15.5	18,151,949	11.2
Minnesota.....	82,212,927	64,063,953	77.9	4,629,996	5.5	13,618,968	16.6
Mississippi.....	30,201,995	29,418,788	97.4	104,000	.5	619,207	2.1
Missouri.....	75,490,249	58,799,757	77.9	7,631,674	10.1	9,048,818	12.0
Montana.....	24,313,663	21,428,131	88.1	446,556	1.8	2,438,976	10.1
Nebraska.....	25,581,236	19,532,473	76.4	2,748	(9)	6,046,015	23.6
Nevada.....	5,443,939	4,934,836	90.6	143,935	2.7	365,168	6.7
New Hampshire.....	11,258,168	6,053,310	53.8	2,255,945	20.0	2,948,913	26.2
New Jersey.....	126,167,602	87,207,842	69.1	29,238,779	23.2	9,720,981	7.7
New Mexico.....	14,468,923	14,022,237	96.9	269,202	1.9	177,484	1.2
New York.....	675,173,407	306,086,913	45.5	110,066,179	16.3	190,020,315	29.5
North Carolina.....	37,818,222	36,566,565	96.7	—	—	1,251,657	3.3
North Dakota.....	26,549,650	23,209,237	87.4	—	—	3,340,413	12.6
Ohio.....	203,940,530	159,228,341	78.1	23,251,833	14.3	15,460,356	7.6
Oklahoma.....	49,107,114	42,532,700	86.6	348,422	.7	6,225,992	12.7
Oregon.....	25,816,947	20,683,428	80.1	2,555,384	9.9	2,578,135	10.0
Pennsylvania.....	408,626,915	294,326,381	72.0	90,102,066	22.1	24,198,468	5.9
Rhode Island.....	18,757,029	7,573,790	40.4	4,836,161	25.8	6,347,078	33.8
South Carolina.....	35,457,271	34,787,803	98.1	—	—	669,468	1.9
South Dakota.....	34,714,502	31,316,698	90.2	—	—	3,397,804	9.8
Tennessee.....	35,024,690	32,663,478	93.2	893,323	2.6	1,467,889	4.2
Texas.....	91,964,961	72,241,060	78.5	18,723,004	20.4	1,000,897	1.1
Utah.....	23,426,055	18,711,815	79.9	3,021,197	12.9	1,693,043	7.2
Vermont.....	5,799,505	3,313,730	57.1	39,845	.7	2,445,930	42.2
Virginia.....	24,645,377	22,157,155	89.9	31,606	.1	2,456,616	10.0
Washington.....	45,042,026	36,367,312	80.7	5,761,451	12.8	2,913,263	6.5
West Virginia.....	54,033,284	48,266,089	89.3	4,410,296	8.2	1,356,899	2.5
Wisconsin.....	102,710,410	76,346,944	74.4	2,384,317	2.3	23,979,149	23.3
Wyoming.....	7,415,807	6,878,868	92.7	124,372	1.7	412,567	5.6
Total.....	3,808,578,127	2,725,706,094	71.6	461,665,918	12.1	621,206,115	16.3

¹ Includes obligations incurred for relief extended under the general relief program, under all special programs, and for administration; beginning April 1934 amounts are included covering purchases of materials, supplies and equipment, rentals of equipment (such as team and truck hire), earnings of nonrelief persons employed, and other expenses incident to the emergency work relief program.

² Less than one-twentieth of 1 percent.

³ Continental United States.

Source: Division of Research, Statistics, and Records, Jan. 2, 1936.

Mr. VANDENBERG. Then, Mr. President, I have taken from this table a summarizing statement indicating more simply the vast divergence of contributions made by the Federal Government to the various States—a divergence which runs from 98.1 percent in one instance to as low as 40 percent in another instance. In other words, the Federal contribution made to 48 States and to the District of Columbia represents 49 different formulae for the contribution of Federal funds to State and local relief. No two States are treated alike. There is a wide discrepancy, as I indicate when I repeat that that spread is between 40 percent and 98 percent. I feel that the summation is not only illuminating but challenging.

Presumably the theory is that the differing allocations are made on the basis of need, which is to say on the basis of the exhaustion of State credit. But it hardly seems probable that the public credit of individual States could be exhausted in the proportions indicated by the figures. Indeed, I imagine the States would resent a credit rating based upon any such hypothesis. But here we are. I do not presume to prejudge the figures. They can speak for themselves. I only make the point, for the time being, that no discretionary power of this nature, no matter how nobly meditated, could be used satisfactorily or equitably in the absence of a legislative formula dictated by those constitutional authorities in Congress to whom is committed responsibility for the public purse.

I ask that this table be printed in the *RECORD*, and I ask that both tables be referred to the Senate Committee on Appropriations for study in connection with any subsequent request for relief appropriations. My feeling is that regardless of the good faith of the Relief Administration—which I do not remotely bring into question for the purposes of this observation—regardless of its good faith, it is utterly contrary to the theory and spirit and genius of republican institutions that an authority so vast in respect to the distribution of public funds should rest in any relatively subordinate administrative officer. I am submitting the tables to the Appropriations Committee in the hope that if additional relief appropriations are desired, we may add a legislative formula for the distribution of the funds so that this sort of challenge shall not again confront us.

I ask that this table be printed in the *RECORD* at this point, and that both tables be referred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The second table was referred to the Committee on Appropriations and ordered to be printed in the *RECORD*, as follows:

States grouped in order of size of Federal relief contribution	
[Percentages are the ratio of Federal contribution]	
South Carolina.....	98.1
Mississippi.....	97.4
Louisiana.....	96.7
New Mexico.....	96.9
North Carolina.....	96.7
Arkansas.....	96.4
Florida.....	96.2
Georgia.....	95.0
Alabama.....	94.9
Tennessee.....	93.2
Wyoming.....	92.7
Nevada.....	90.6
South Dakota.....	90.2
Virginia.....	89.9
West Virginia.....	89.3
Montana.....	88.1
North Dakota.....	87.4
Kentucky.....	86.7
Oklahoma.....	86.6
Arizona.....	85.2
Idaho.....	84.7
Colorado.....	84.1
Washington.....	80.7
Oregon.....	80.1
Utah.....	79.9
Texas.....	78.5
Ohio.....	78.1
Missouri.....	77.9
Minnesota.....	77.9
Nebraska.....	76.4
Illinois.....	75.2
District of Columbia.....	74.4
Wisconsin.....	74.4
Kansas.....	73.3
Michigan.....	73.3
Maryland.....	72.4
Pennsylvania.....	72.0
New Jersey.....	69.1
Indiana.....	66.5
California.....	66.5
Iowa.....	59.0
Vermont.....	57.1
New York.....	54.2
New Hampshire.....	53.3
Massachusetts.....	52.2
Maine.....	51.8
Connecticut.....	43.9
Rhode Island.....	40.4
Delaware.....	40.0

NATIONAL RESOURCES COMMITTEE—STUDY OF HEADWATER STREAMS AND OTHER LITTLE WATERS (S. DOC. NO. 167)

The **PRESIDING OFFICER** (Mr. TRUMAN in the chair) laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Agriculture and Forestry and ordered to be printed, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress a letter from the chairman of the National Resources Committee with the accompanying report entitled "Little Waters: A Study of Headwater Streams and Other Little Waters: Their Use and Relations to the Land."

This report treats of a subject with which the physical well-being of our people is intimately bound up, yet to which, in the past, too little attention has been paid. We have grown accustomed to dealing with great rivers, with their large problems of navigation, of power and of flood control, and we have been tempted to forget the little rivers from which they come. The report points out that we can have no effective national policy in those matters nor in the closely related matter of proper land uses until we trace this running water back to its ultimate sources and find means of controlling it and of using it.

Our disastrous floods, our sometimes almost equally disastrous periods of low water, and our major problems of erosion, to which attention has been called by the reports of the National Resources Board, the Mississippi Valley Committee, the Soil Erosion Service, and other agencies, do not come full-grown into being. They originate in a small way, in a multitude of farms, ranches, and pastures.

It is not suggested that we neglect our main streams and give our whole attention to these little waters but we must have, literally, a plan which will envisage the problem as it is presented in every farm, every pasture, every wood lot, every acre of the public domain.

The Congress could not formulate, nor could the Executive carry out, the details of such a plan, even though such a procedure were desirable and possible under our form of government. We can, however, lay down certain simple principles and devise means by which the Federal Government can cooperate in the common interest with the States and with such interstate agencies as may be established. It is for the Congress to decide upon the proper means. Our objective must be so to manage the physical use of the land that we will not only maintain soil fertility but will hand on to the next generation a country with better productive power and a greater permanency of land use than the one we inherited from the previous generation. The opportunity is as vast as is the danger. I hope and believe that the Congress will take advantage of it, and in such a way as to command the enthusiastic support of the States and of the whole public.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, January 30, 1936.

ESTABLISHMENT OF AIR CORPS TECHNICAL SCHOOL

The Senate resumed the consideration of the bill (S. 3398) to establish the Air Corps Technical School, and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps.

Mr. ADAMS obtained the floor.

Mr. LEWIS. Mr. President, with the consent of the Senator from Colorado, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Black	Caraway	Donahey
Ashurst	Bone	Carey	Duffy
Austin	Borah	Chavez	Fletcher
Bachman	Brown	Connally	Frazier
Bailey	Bulkley	Coolidge	George
Bankhead	Bulow	Copeland	Gibson
Barbour	Burke	Costigan	Glass
Barkley	Byrd	Couzens	Gore
Benson	Byrnes	Davis	Harrison
Bilbo	Capper	Dieterich	Hastings

Hatch	McGill	O'Mahoney
Hayden	McKellar	Overton
Holt	McNary	Pittman
Johnson	Maloney	Pope
Keyes	Metcalf	Radcliffe
King	Minton	Reynolds
La Follette	Murphy	Robinson
Lewis	Murray	Russell
Logan	Neely	Schwellenbach
Loneragan	Norbeck	Sheppard
McAdoo	Norris	Smith
McCarran	Nye	Steiwer

Thomas, Okla.
Thomas, Utah
Townsend
Trammell
Truman
Tydings
Vandenberg
Van Nuys
Walsh
Wheeler
White

The **PRESIDING OFFICER**. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. ADAMS. Mr. President, I desire to continue the discussion of the bill providing for the establishment of the Air Corps Technical School. From the argument which has been made by the junior Senator from Illinois [Mr. DIETERICH] the inference might readily be drawn that the city of Denver was responsible for everything which has taken place in connection with the proposed relocation of the school. I wish first to state—and the statement is supported by the record and the facts—that the city of Denver did not inaugurate the effort to move this school from Rantoul. Neither did the Senators nor the Representatives from Colorado. The speech of the able Senator from Illinois points out by very clear inference that for many years since the school has been operating Rantoul has been regarded as an unsuitable place for such an institution, and that the Army had from time to time been looking for an opportunity to establish the school in some more suitable location according to their judgment.

On February 12, 1934, The Adjutant General, by order of the Secretary of War, appointed a committee or a board to investigate sites for the location of the Air Corps Technical School. The very act of the appointment of the board confirms the suggestion of dissatisfaction on the part of the Army with the then location. The order reads, and it directed "immediate action":

The Chief of the Air Corps will convene a board of Air Corps officers to consider all views and recommendations relative to the question of the location of the Air Corps Technical School and submit a report setting forth the views and recommendations, with its conclusions and recommendations.

The order requires the investigation to be conducted with the least possible delay.

Four Army officers, members of the Air Corps, were appointed. That board, after spending considerable time laying out the details and specifications that should be required for a technical school, spent 5 months investigating sites. They personally visited 57 different cities throughout the United States. There was hardly a section of the country which was not visited, and there were some additional sites investigated through the medium of questionnaires. The board made its report in reference to the two phases of their inquiry, as there are two distinct phases. The first is as to the suitability of the Chanute Field and the other follows only in the event that field were determined to be unsuitable. Upon those questions the special Army Air Corps Board reported. They reported in much detail, but this was the conclusion which they make and their comment. They say—quoting their report:

After studying the problem for a period of more than 5 months, after visiting 57 communities throughout the United States, and after analyzing the data submitted by these and several other towns and cities not visited, the board has come to the unanimous conclusion that Chanute Field, Rantoul, Ill., is unsuitable as the location of the Air Corps Technical School.

The board was presented with facts which proved conclusively that the present morale of the school personnel is low and will always be low as long as the station is retained at its present location. A low morale means a decreased efficiency.

In addition, the climatic features are unsuitable for the successful completion of the curriculum, and the acquisition of a bombing range is impracticable in that locality. The present buildings at Chanute Field are of temporary, wartime construction and are in deplorable condition. If the school were to be permanently located on that site, all of these buildings would have to be demolished and the station completely reconstructed.

The conclusions and recommendations of the board are as follows—and again I quote:

The board concludes that Chanute Field, Rantoul, Ill., is unsuitable as a location for the Air Corps Technical School, and that the best location which it has been able to find is at Denver, Colo.

The board recommends that the site described in the Denver, Colo., brief (see exhibit D-1) be acquired by the War Department, and that the Air Corps Technical School be located thereon.

This being the unanimous report of the board.

This report was submitted to the War Department and by the War Department was transmitted to the Committee on Military Affairs of the Senate and of the House of Representatives. The Senate Committee on Military Affairs appointed a subcommittee. That committee not only considered this report but it held hearings, at which evidence was taken from those who opposed the report and at which the Army officers who submitted the report were examined.

It should be said—and I think it is an accurate statement—that at no point in the investigations or in the hearings before the subcommittee or elsewhere did those who sponsor the city of Denver make any attack or offer any criticism of the Chanute Field. They merely undertook to show that if Chanute Field was unsatisfactory, the Denver site was the most desirable, but the Colorado Senators and the Colorado Representatives undertook to make no attack on and no criticism of Chanute Field. Whatever criticism there is of that field it is in the official report of the board and of the committee of the Senate.

The Senate committee reported unanimously in support of the recommendations of the board. The same questions were raised before the subcommittee which have been raised on the floor, including the suggestion that there was some unfairness in the conduct of the proceedings of the Air Corps board. That matter was discussed before the subcommittee and the subcommittee stated that they found no reasons and no facts to impeach the findings of the Army board.

The subcommittee then reported to the full committee and that committee has reported the bill to the Senate with the recommendation that it pass. The bill was drafted pursuant to communications between the Senate committee and the War Department. This is the essential part of the report. I quote:

The Committee on Military Affairs, to which was referred the bill (S. 3398) to establish the Air Corps Technical School and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps, having considered the same, report favorably thereon with a recommendation that it do pass.

On March 13, 1935, the War Department transmitted to the Senate Military Affairs Committee report of a board of Air Corps officers, recommending that certain property in Denver, Colo., be acquired by the War Department and that the Air Corps Technical School be located thereon. The board concludes that Chanute Field, Rantoul, Ill., is unsuitable as a location for the Air Corps Technical School, and that the best location which it has been able to find is at Denver, Colo.

The committee recommends the passage of the bill and states in its findings that "the subcommittee reported that it found nothing that would impeach the findings of this board of officers." The whole committee approved the subcommittee's report.

The report of the Army board is challenged by the Senator from Illinois upon the ground that the findings were not fairly arrived at.

It seems to me that we cannot escape this situation, that if there was unfairness on the part of the board it was participated in by the four officers appointed to make the investigation and not by one only, that the hearings before the subcommittee led that committee to confirm the unfairness and the subcommittee, in turn, by its report led the committee, as a whole, to be involved in an unfair recommendation. Furthermore, if that contention be correct, not only were the four officers involved in unfairness, but the chief of the Air Corps who approved the report was also involved; and so it goes on down the line.

There are a few comments I desire to make before discussing in detail the criticisms which have been made by the Senator from Illinois.

I think the Senators from Illinois and the Senators from Colorado will agree that national, not local, interests ought to control in this case. It is true that the interest of the Senators from the States immediately involved is enlisted, and, from that point of view, they may be prejudiced; but the case that we must make is not whether our action will

benefit Illinois or hurt Illinois or whether it will benefit or hurt the State of Colorado; the question involved is whether it is for the welfare of the Nation and its national defense. I do not think there can be any question as to the soundness of that declaration.

The State of Illinois is one of the greatest in the American sisterhood of States. It is great in population; it is great in resources; and, I say without any reservation, great in its representation in this body. I have a personal affection for the State of Illinois. My mother spent her girlhood in that State before going to Colorado, under the necessity of a change of climate.

The Senator from Illinois pointed out Monday that his great State is one of the richest in the Union and one of the largest contributors to the Treasury of the United States; that Colorado is a lesser contributor and receives benefits in excess of its contributions. There is no discounting the richness of Illinois nor the greatness of its contributions to the National Treasury. There is no discounting the fact that Colorado is lesser in resources and lesser in wealth. But it occurs to me that a great rich State like Illinois cannot be very seriously concerned over a comparatively small institution, while the lesser State might have more concern about it. I wondered about the actual benefits—and this, again, is beside the point. It does not matter how great is the wealth of the State or how large its contributions to the National Treasury. The question here is the contribution to the national defense. That is the important question involved. Where should the school be located to promote best the national defense?

To illustrate, however, Illinois, acre for acre, is unsurpassed in the Nation for richness of soil. I venture to say that the 640 acres of land occupied by the school, if devoted to the rich agricultural purposes of Illinois, would produce almost as much in financial resources as can come from this school at which the attendance is about 600 men, each receiving \$30 a month. In other words, it does not involve a great loss to this great State to move the school, and certainly not a loss which the able Senators from Illinois would begrudge if convinced it was in the interest of their country.

No State and no man can possess all qualities and all capabilities. One man may do certain things better than another. The State of Illinois is rich in its agricultural capacities, and, in order that these may produce effectively and profitably, Illinois necessarily must have rainfall in excess of what Colorado has. The corn which makes Illinois rich in certain areas comes from its rainfall, its humidity, its warmth in the summer days and summer nights. Illinois cannot expect to be the great corn-producing area and at the same time be a summer resort or winter resort or an ideal place for an air field. In other words, I am willing to concede to Illinois its greatness of riches, its greatness of people. The point is that it is not as good a place to locate an air technical school, and that is the inevitable accompaniment of the very things which make Illinois rich. Illinois cannot have everything. There must be a few things to slip over the borders of the rich State into the States not so fortunately circumstanced.

Mr. President, much has been said about bombing fields. On page 53 of the testimony before the committee appear the consequences of the absence of a bombing field in this area. I refer to the testimony of Colonel Yount, which, of course, the junior Senator from Illinois would discount. This is the statement:

Up to date we have had to return our enlisted men and officers to the technical units without any experience whatever in the use of this equipment in the air, and, therefore, we consider that one of the most valuable characteristics of this field should be that a good bombing and machine-gun range is available. It is not available in the vicinity of Chanute Field.

In this testimony is pointed out what seems the very obvious fact that if we are going to have men trained in the mechanical arts and sciences which go with the Air Service, there should be a chance to test out the equipment they produce and repair and install. We should not be compelled to transport our airplanes and machinery hundreds

of miles to test them. To talk of a half section of land as adequate for a bombing field and machine-gun range is to defy actual knowledge and experience in connection with those activities.

There is submitted with the Denver field a proposal for a bombing field containing 100 square miles, not a place that would be limited to dropping sand bombs and dummy bombs, but a place where the actual conditions of warfare can be duplicated, where engines and airplanes can be tested. To test machine guns on 320 acres of level, flat country is utterly and absolutely beyond the possibilities. That is not the fault of Illinois. The fact that a bombing field is not available is due to the very richness of her soil. It is our misfortune in Colorado that we have great areas of land of low value, and that when we gather together 100 square miles to devote to this service it can be done without prohibitive cost. But when in Illinois we take 100 square miles, with its 64,000 acres of land, we run into many millions of dollars of cost, a prohibitive figure. Yet these officers say that a bombing field is essential. As was quoted by my colleague earlier in the day, when they first began their investigation they thought the air bombing field desirable, but they then came to the conclusion that it is absolutely essential.

It is said no real investigation was made. The board of Army officers took 5 months in their investigations. They personally visited 57 selected cities.

The distinguished junior Senator from Illinois [Mr. DIETERICH] said that Denver was selected because—I do not want to misquote the Senator in any particular, but the statement was made that the field was located in Denver by reason of the entertainment which was afforded by the chamber of commerce. Here is the exact quotation from page 1039 of the RECORD:

The fact is that the irresistible entertainments of the Chamber of Commerce of Denver are responsible for the removal of this field.

I am unable to find, after a careful examination of the record, any record of entertainments on the part of the Chamber of Commerce of Denver. I am unable to find any record that the Chamber of Commerce of Denver ever, in any wise, participated in formulating a conclusion that Chanute Field was unsuitable.

When this board met they laid down a set of specifications as to their procedure. They sent this set of specifications to every city. In the case of cities which had airfields, they sent them to the commanding officers of the airfields, as they did at Chanute. In the case of cities without airfields, they sent these specifications, these questionnaires, to the chambers of commerce. The Denver Chamber of Commerce was but one of perhaps 50 or more that received this prospectus, setting out the needs and the requirements of a site for the air school.

It has been said that Chanute had no chance to talk about the airfield. As a matter of fact, in the prospectus which was sent out the desirability of a bombing field was pointed out—not so affirmatively as they subsequently came to do, but the statement was made to all the cities that an extensive area on which bombing and machine-gun work can be done was desirable. Then the prospectus says:

It should be uninhabited. The area should not be more than 50 miles from the school site and preferably closer; * * * and in the case of a distant area, an emergency landing field should be contained therein.

I believe that my very good friend the junior Senator from Illinois has forgotten some of the geographical situations in Denver. He speaks as if the only location for a bombing field must be up on the granite Rockies. It is not contemplated that the bombing field should be located in the Rockies, but that it should be located in the vast semiarid prairies to the east and southeast of the city of Denver; and the photographs submitted in the record disclose that fact.

Another thing of which the Senator has made great point is that the city of Denver, through its chamber of commerce, has sought to buy the favor of the committee and the favor

of the Government by offering a free site, and that no such thing was afforded anywhere else.

In the set of specifications sent to every city in the land was set out this requirement:

The terms upon which the site might be obtained must be stated. If the site is to be donated, it should be so stated, as the cost of the entire project when sent to Congress must include information on this item. The property must finally be held in fee simple by the Government. If condemnations are necessary in respect to any part or all of it, this must be stated.

The Senator from Illinois indicated that this was most unusual, even though contained in the specifications, but I call his attention to the fact that there is nothing new in this.

In the act providing for the location of aviation fields, contained in the United States Code of Laws, title 10, chapter 30, section 1342, is this provision:

The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable in his judgment for the purposes of an aviation field.

Then, again, in an act passed during the past session for the establishment of air bases—the act of August 12, 1935—it was provided, in section 2, as follows:

To accomplish the purposes of this act, the Secretary of War is authorized to accept, on behalf of the United States, free of encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable for new permanent Air Corps stations and depots.

So that it is nothing new. It is a policy established in two statutes and in the specifications.

Mr. DIETERICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. ADAMS. I do.

Mr. DIETERICH. If I correctly understand the Senator, and if I remember the geography of Denver and the immediate vicinity, the mountains rise to the west of the city. Is that correct?

Mr. ADAMS. That is correct.

Mr. DIETERICH. And the arid regions about which the Senator speaks lie to the east of the city. Is that correct?

Mr. ADAMS. The east and south.

Mr. DIETERICH. Let me ask the Senator if he is familiar with the statement contained in the record of the proceedings before the subcommittee of the Committee on Military Affairs, on page 37, which sets out the report of the board appointed for the purpose of determining the location for this Air Corps Training School, in which they say, under paragraph 4, "Bombing and machine-gun ranges":

No specific site was visited by the board, but it was stated that an extensive area could be acquired for a nominal sum within a few miles from the site. This area would be in the mountainous country to the west of the city.

Mr. ADAMS. Mr. President, the Senator correctly quotes a section of the report which says that no specific site was visited, but that sites might be available to the west of Denver, toward the mountains. Attached, however, to the prospectus filed by the city of Denver were photographs of available bombing fields of practically flat prairie land lying to the east and southeast; and in a report from Norman D. Brophy, captain, Air Corps, instructor, Forty-fifth Division Aviation, Colorado National Guard, who investigated the bombing-field possibilities, he reports that there are available farming and gunnery ranges 10 miles by 10, and the location is approximately 12 miles east by southeast of the proposed site of the school, and that the ground is slightly rolling prairie land with no obstructions to the approach, with at least four available emergency landings.

It is our misfortune to have more land available for bombing fields than we wish we had. We should gladly surrender any possibility of a school if our land could be watered as is the land of fertile Illinois; and we regret, from the standpoint of wealth, that we do have land so easily and economically obtainable for bombing fields. In this particular instance, however, the bombing field is an essential; and it does occasionally happen that those whose

resources are not of the greatest may in some way be advantaged by that fact.

One thing of which much was said was a letter written by Representative LEWIS. The letter appears on page 24 of the report, and in connection with it I wish to read the statement of Colonel Yount. It was partly read upon yesterday, but I think the whole statement should be put into the RECORD. The Senator from Illinois makes great point of the fact that in the letter the Representative said that he could assure his correspondent there would be no "leak" from his office concerning the correspondence.

I think this should be kept in mind, that here was a board of officers sent out under the auspices of the War Department in order to locate the best available site for the air school. They started out, according to their own plan, to avoid publicity, to communicate with leading people and with chambers of commerce, but to avoid publicity. They did that in every community. They asked every community to keep from the papers the fact that they were making investigation, because they knew that instead of investigating 57 cities they would have 570 cities to investigate, if it were published that they were making investigation.

In that connection Mr. Yount said—and I quote from page 56:

The letter, which is referred to as written by Congressman LEWIS, was written at my request because Denver had failed to submit certain information, information which we had asked for, for inclusion in our report, covering the possibility of a railroad siding to the field, and I believe covering also the question of the acquisition of the property, and it was a statement which we could include in our report.

As I remember, I called Congressman LEWIS' office and called his attention to the fact that this information had not been furnished in connection with the site at Denver, and asked that it be furnished. That certainly was in connection with the site and perfectly legitimate.

Congressman LEWIS used the word "leak." I think by using that word he simply meant that the confidence which we had asked in every case, the confidential nature which we had imposed or attempted to impose upon all of these proceedings, would continue to be kept. There were two or three reasons why we tried to keep our visits confidential.

In the first place, whenever our visits were announced in the press, it meant that every town in the vicinity desired an inspection, and it was utterly impossible for us to do that.

In the second place, we were fearful that if communities knew that we were making this inspection, that it would set up false hopes, and we knew that only one out of a great number could be selected; and, in the third place, it was the experience of the War Department that whenever it is even anticipated that a War Department activity may be located in any community, that the price of real estate immediately goes up.

So that in beginning our inspection we asked each community to keep our visit confidential. This was not done in two or three cases, and it resulted in our inspection trip being practically doubled.

So when Congressman LEWIS speaks of a "leak", I am certain that he did not mean in any sense that there was anything underhanded about it, and certainly there wasn't, but that the confidence which we had asked to be imposed should be continued.

Let me say, Mr. President, that I have known Representative LEWIS, as man and boy, for over 40 years, and I am prepared to stake my reputation upon his absolute integrity and character. I hold him above any improper action of any kind in connection with public business. I regret that a phrase or a word should have crept into the correspondence which could be strained to reflect upon him in any way.

I think this explanation is perhaps one which Senators and Representatives will understand. Here was the War Department dealing with things they did not wish spread over the headlines of the papers. I think they have had some contact, as we all have, with Representatives and Senators, and know of their desire for publicity, and I think it not an unwise precaution to call the attention of Senators and Representatives to the fact that you do not care to have publicity about something, unless you expect to get it, because the political lives of Senators and Representatives are fed and nourished by publicity. I think that is the utmost here, that there was a request that publicity be not given, and the Representative in substance assured them that out of his office no publicity would go.

Mr. COSTIGAN. Mr. President—

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Colorado yield to his colleague?

Mr. ADAMS. I yield to my colleague.

Mr. COSTIGAN. My colleague from Colorado, in stating his high opinion of Representative LEWIS, of Denver, has expressed a friendly view, which is shared not only by him and myself but generally by members of the bar of Colorado. We speak, however, as friends of Representative LEWIS from long-time knowledge of his professional attitude toward ethical practices. But it is possible at this place to incorporate in the RECORD testimony which will be regarded as less influenced by personal association. I therefore ask my colleague to permit me to cite here statements of witnesses referred to while the junior Senator from Illinois was speaking, but not considered, in the exact words used, because of the reception then given suggestions.

When this so-called "leak" letter was brought to the attention of the subcommittee of the Senate, Representative LEWIS interrogated Representative DOBBINS, of Illinois, on the implications of the criticism of the letter offered by Representative DOBBINS. I think it fairly summarizes the testimony of Representative DOBBINS which is reported at the opening of the first part of the hearings of the subcommittee to say that the criticisms directed by Representative DOBBINS against this letter, which were fully discussed before the subcommittee, did not reflect on Representative LEWIS, as has been done on this floor by the junior Senator from Illinois, but were intended to establish that the Air Corps board had been prejudiced in making its findings. That was one subject under review when the subcommittee, headed by the Senator from Indiana [Mr. MINTON], definitely reported to the Committee on Military Affairs and when the Military Affairs Committee reported finally to the Senate.

With respect to Representative LEWIS' participation and its significance to the correspondence of and with the Denver Chamber of Commerce, if my colleague will further indulge me, the testimony shows very definitely what Representative DOBBINS stated to the subcommittee. I quote from page 23 of the report of the hearings:

I said before that, that I didn't see anything wrong in it.

Referring to the implications that the "leak" letter reflected on Representative LEWIS. By the reference to what Representative DOBBINS had said before, it would appear that he was recalling his own statement reported on page 3 of the hearings, as follows:

I do not think it reflects at all upon their deliberations if they had been in communication or if they were not in communication with Members of Congress. I do know I never was in communication with the board. But in the report itself, or in the Denver prospectus accompanying the report, is included a confidential letter of my colleague, Mr. LEWIS of Colorado, addressed to the chairman of the board, dated in August of last year, on the subject of constructing a railroad spur from Denver out to the field, stating it was necessary to afford railroad facilities to the field. At the conclusion of the letter there is this statement, that in accordance with the desire of Colonel Yount, chairman of the board, and Mr. Shinn, whom I understand to be president of the Denver Chamber of Commerce, there would be no "leak" from his office as to the correspondence between him and the board.

This subject was expressly revived later by Representative LEWIS, as appears in the hearings on pages 22 and 23, and it was discussed at some length. Representative LEWIS stated, as reported on page 23:

By the way, there was one thing at the outset which I didn't quite understand. There was a statement made in there to the effect—not directly, but by implication—that the Congressman from Denver had done something irregular. I should like to have Mr. DOBBINS specify that a little more clearly.

It was in answer to that inquiry of Representative LEWIS that Representative DOBBINS replied:

I am afraid that the Congressman did not hear the first statement. I said before that, that I did not see anything wrong in it.

Then followed an interchange which, if thought by any Member of the Senate necessary to a complete understanding of what was intended, might well be fully incorporated in the

RECORD. However, I wish to proceed more directly, with the further indulgence of my colleague, to the language reported on page 24, following the full text of the letter of Representative LEWIS to Colonel Yount of August 8, 1934, about which there has been so much discussion. With that letter the issue, Representative DOBBINS made this definite statement:

I could see no impropriety in such correspondence, but only in their statement that they had not had such correspondence.

To which Representative LEWIS replied:

There is no impropriety in the correspondence. I can assure you of that.

I thank my colleagues for permitting me to make this statement.

Mr. ADAMS. Mr. President, in conclusion of these observations I wish to call the Senate's attention to a fact which indicates the viewpoint of those concerned as to the propriety of this letter. The letter complained of was put in the forefront of the prospectus of the city of Denver, and was available for the committee and all those who might be interested. If there had been any suggestions of impropriety, Representative LEWIS and those to whom the letter was addressed would not have attached the letter to the very forefront of the prospectus which was being submitted.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. DIETERICH. I desire rather to take exception to what the senior Senator from Colorado has said. I have tried to keep myself as clear from inference as possible. I have only inferred what I understood the language of the letter implied, as well as the lengthy explanation placed in the RECORD in defense of Representative LEWIS. I am not acquainted with Mr. LEWIS. I assume he is an honorable man. This language occurs in the letter:

As requested by Mr. Shinn and by you, I can assure you that there will be no "leak" from this office concerning the correspondence between you and the Denver Chamber of Commerce.

Following that, Representative DOBBINS said:

I can see no impropriety in such correspondence . . .

That is, he could see no impropriety in the correspondence between the chamber of commerce and the board, but only in their statement that there had not been such correspondence. So evidently the board were told there would be no "leak" in a correspondence which it was claimed did not exist.

That may be taken for whatever it may be worth. I do not know what was in the correspondence. I am not saying that there is anything improper about it, except that they did not produce the correspondence.

Mr. ADAMS. Mr. President, the final and essential question is not as to whether or not somebody did this or that, but as to the suitability of the two sites for purposes of national defense. The Senators from Colorado and those representing Denver, as I know, have made no statement on their own responsibility reflecting upon the Chanute Field. They have operated exclusively upon the theory that the War Department desired a change. As a matter of fact, the War Department treated the school as if it were obviously improper; and the question was not suggested whether the school should be moved, but where should the school be established? They realized that the school, as it was, was unsatisfactory.

My distinguished friend the junior Senator from Illinois, in two instances in his speech of yesterday, pointed this out. On page 1038 of the RECORD he said:

True, conditions at Rantoul Field are not good. Why that field was not properly prepared for a flying field, no one except those who had to do with the expenditure of the appropriations can tell. Appropriations have been available year after year to correct the drainage of that field, about which this commission complained, and to erect at the field permanent buildings to take the place of those whose decay and depreciation is said to have caused a bad morale. The appropriations were made, and the money was lying in the Treasury, but no appeal could induce the authorities to do for this field what they should have done, and what they expect to do if the proposed field is established in Denver.

In view of those facts, in view of the existence of appropriations running back years before Denver ever dreamed of having the school located there, it seems to me the War Department and the aviation authorities have said in the most emphatic way, "We are not willing to expend Government money in the enlargement of the school at this point"; and that was said even in the face of the appeals of the able and persuasive junior Senator from Illinois, who was in the House of Representatives when the appropriations were made.

I read another statement from the Senator's speech of yesterday as to which I think I will leave to Senators the conclusion to be drawn. The Senator said:

Bless you, when we fight wars, we cannot take the boys up along the mountain sides and into rarefied atmosphere. We have to fight them where the battles take place, and if we are to train them in a wonderful climate such as exists in Denver, if they have to go down in the swamps somewhere, they will not know what to do.

I wonder what inference we can draw from that as to where they shall be trained in order to know how to handle themselves if they are obliged to land their airplanes in swamps.

Mr. President, allurements have been held out to the board dealing with this problem; but what were the allurements? The board members were primarily interested as patriotic officers of the American Army in securing the best site, and they visited city after city. Denver was not included in the early list of cities investigated. Denver was included only in subsequent lists.

They came out to Denver, after visiting Chanute Field, after visiting cities all over the country, and they came into the clear, bright air of Colorado. They saw the glorious mountains of the West, the wide sweep of plains to the east, the beautiful city with its schools, its churches, its theaters and hotels, its places of amusement and of education, and they were allured. Naturally, they felt that the Queen City of the Rockies is a place for such a school. It was those allurements which led the board to make its report recommending Denver as against other places.

In conclusion, let me simply reread, Mr. President, the findings of the Army board. It says in its report:

The board concludes that Chanute Field, Rantoul, Ill., is unsuitable as a location for the Air Corps Technical School and that the best location which it has been able to find is at Denver, Colo.

The board recommends that the site described in the Denver, Colo., brief be acquired by the War Department and that the Air Corps Technical School be located there.

Mr. President, this report was approved by the Chief of the Air Corps. It was approved, after hearings, by the subcommittee of the Senate Military Affairs Committee, and finally approved by the great Military Affairs Committee, headed by the distinguished Senator from Texas [Mr. SHEPPARD], although cities from his own State were competing for this school and field.

If the Senate shall fail to pass this bill, it seems to me it must repudiate the findings of an Army board as to whose fairness I say to the Senate no genuine, no substantial charge has been made, as to the fairness of whose findings there is no charge substantiated by real evidence in the record. If they fail to pass the bill, Senators must impute incompetence to a Senate committee that approved the findings and said there was no improper influence; and Senators must repudiate the report of the great Military Affairs Committee of the Senate.

Mr. LEWIS. Mr. President, information has come to this body that the subject matter of the pending bill is now undergoing some investigation by a committee of the other House. In view of what has transpired in connection with the whole subject, the range which the debate has taken, the developments and disclosures, of whatever nature they are, and the reports and testimony, I think it essential that this measure should be reconsidered.

Mr. ADAMS. Mr. President, will the Senator yield for the suggestion of the absence of a quorum?

Mr. LEWIS. I yield.

Mr. ADAMS. With the indulgence of the Senator, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Keyes	Pittman
Ashurst	Connally	King	Pope
Austin	Coolidge	La Follette	Radcliffe
Bachman	Copeland	Lewis	Reynolds
Bailey	Costigan	Logan	Robinson
Bankhead	Couzens	Loneragan	Russell
Barbour	Davis	McAdoo	Schwellenbach
Barkley	Dietrich	McCarran	Sheppard
Benson	Donahay	McGill	Smith
Bilbo	Duffy	McKellar	Steiwer
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	George	Metcalf	Townsend
Brown	Gibson	Minton	Trammell
Bulkley	Glass	Murphy	Truman
Bulow	Gore	Murray	Tydings
Burke	Harrison	Neely	Vandenberg
Byrd	Hastings	Norbeck	Van Nuys
Byrnes	Hatch	Norris	Walsh
Capper	Hayden	Nye	Wheeler
Caraway	Holt	O'Mahoney	White
Carey	Johnson	Overton	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. LEWIS. Mr. President, I move that the pending bill be recommitted to the Committee on Military Affairs for such investigation as may be necessary to ensure both a hearing and complete development and disclosure of facts necessary to enable the Senate to reach a conclusion.

Mr. COSTIGAN. Mr. President, the subject before the Senate has perhaps been adequately discussed for fair judgment of the reasons for and purposes of the original measure and the motion now made by the eloquent and persuasive senior Senator from Illinois. It appears necessary to me to make only one or two additional comments.

The final suggestion, as I interpreted it, of the senior Senator from Illinois prior to making his motion, was to the effect that there is available near Rantoul, in the State of Illinois, an adequate area of ground for bombing-site purposes.

There has been some confusion during the discussion with respect to the testimony about a bombing site. It is fairly clear to the Senate, and was, I think, entirely clear to the members of the subcommittee who heard the testimony—and, if I am not mistaken, during the hearings the senior Senator from Illinois did not appear in person—that the testimony conclusively shows the availability, without cost to the Government, of a tract of land at Denver for bombing and aerial gunnery purposes; that such a tract should be much larger than is any available tract at Rantoul, in Illinois; that the Congressional Representative in the House of the district in which Rantoul is located frankly conceded before the subcommittee the prohibitive cost of such a site at Rantoul, Ill.

A community located in a rich farming country; and that witnesses impressed on the committee by inescapable inference, if not expressly, the fact that there is to be more than dummy practice above this ground; in fact actual machine-gun practice from the air, requiring an ample unoccupied area.

The record shows that the city of Denver, by a vote of the qualified taxpayers at an election at which this question was specially submitted, authorized the issuance of \$750,000 in bonds, and that these bonds are available in part to purchase a site approved by a representative of the Air Corps branch of the Army service.

How there can be uncertainty on the subject after the testimony of Major Lyon, a member of the General Staff of the Army, as recited in the record, I am utterly unable to comprehend. As stated to the Senate this morning, Major Lyon testified when this very subject was under inquiry, as reported on the last page of the second part of the report of the hearing, that a small area, "a half section", suggested as available at Chanute "would be very impractical" as a "machine-gun range." I quote in part the exact language Major Lyon used while this subject was expressly under discussion.

It further appears in the testimony at the outset of the hearings, as reported in part 2, following by close resem-

blance the very criticisms which have been drawn to the attention of the Senate today by the two able Senators from Illinois, that a qualified representative of the Air Corps board testified in answer before the subcommittee that finally approved the recommendation of the Air Corps board.

The able senior Senator from Illinois has appropriately referred to the fact that many Members of the Senate are members of the bar, are familiar with the technical professional rules of evidence, and know by exceptional training how to weigh credibility.

As before stated, the senior Senator from Illinois was not in attendance at these hearings. He did not have the advantage of examining these witnesses personally and judging their credibility by observation. On the other hand, each member of the subcommittee was and is an able member of the bar of his own State. This subcommittee of members of the bar, well known as such to the Senate, after interrogating witnesses faithfully and fully, expressly directing their attention to the detailed charges of prejudice and bias made by the Representative from Illinois, Mr. DOBBINS, affirmatively found the charges not sustained.

Nothing is now offered here to challenge the validity of those findings or the validity of the final report of the Committee on Military Affairs of the Senate, except the suggestion that a recommitment of this issue will open the door and permit an application by every community of reasonable size in the country to show its availability as the best location for the Air Corps Technical School so long and fully discussed.

If the Senate in this instance surrenders to that sort of appeal, however plausibly made, the Senate must concede, I think, its impotence to deal legislatively with this problem. The same argument can be renewed, again and again, with like or greater force, whenever testimony is reviewed on any subsequent similar report. There is no escape from the conclusion that if the Senate approves this motion to recommit it will sanction years of future inefficiency in the face of scrutinized, credible technical testimony as to the importance of the measure the recommitment of which is now sought.

I was vividly reminded as I followed this discussion—and this is the last suggestion on the subject I expect to make to the Senate before the vote—of a personal experience in France in October 1918.

About a month before the armistice I was traveling, in an Army auto, with some other representatives of our Government, in France, in the region between Chateau Thierry, Soissons, and Rheims. At one point on the highway our attention was directed to a wooden sign, cut to resemble an extended hand, with the index finger pointing to the right. On this wooden sign were words that may be translated roughly as follows:

One thousand meters in this direction will be found the grave of Quentin Roosevelt.

We asked that the car stop and walked to the grave of the son of a former President of the United States, a relative of the present President of the United States. That heroic youth was well known and well loved by some Members of the present Congress. He fell to his death in a battle in the air in America's drive to aid the Allies in their resistance of the German invasion of France.

Quentin Roosevelt was buried approximately at the spot at which he fell, a stricken, nationally known young volunteer in the Air Service of his country.

Later I took occasion to write Colonel Roosevelt, who was still living, my impressions of the reverence with which that grave was being treated by the French peasants in that vicinity, and by all others who visited it. Quentin Roosevelt was to them the symbol of the generous sacrifices of the youth of that generation—one of the first in the list of the Air Corps of our country's fatalities following our entry into the World War.

I speak of the incident in some detail because later, visiting, before the war ended, a community a few miles south of Paris, it was my further experience to talk with some officers then in charge of American activities directly connected with

the training of young men for actual air-combat service at the war front. One of these officers said, in substance, referring to Quentin Roosevelt, that, with the impetuosity characteristic of his family and his own individuality, he had insistently pressed for actual air service in advance of full scientific preparation for flying combat with the experienced veteran air forces of Germany; and that it was my informant's opinion that if better equipped by preliminary training Quentin would have been alive at the hour of our conversation to render such further similar services as our Nation's commitments might appear to require and Quentin Roosevelt had already proven himself unstintingly ready to offer.

One effect of Colonel Yount's testimony about this Air Corps measure has been, in part, to convince me, at least, that at Rantoul, Ill., due to described limitations, students have been passed for years without actual practice in using bombing and aerial gunnery machinery from the air. This restriction of those being trained to theoretical familiarity with such use may result in the needless sacrifice of the lives of future Quentin Roosevelts and other typical sons of America if called by our country, as he was in 1917, into its war service. That was the significance of the statement of Colonel Yount, as interpreted by me, when he reported that measure before the Senate.

Mr. President, I think nothing further need be said. But it has been suggested this afternoon that other communities were not given a reasonable opportunity to know what was being officially done with respect to this proposed legislation. Let me recall one or two dates. It was on February 12, 1934, that this investigation officially began by order of the War Department, with the approval of the Secretary of War. The officers' committee was then appointed. It visited, according to the testimony of Colonel Yount, some 57 cities in this country, with a view to determining a suitable air base.

It conferred openly on its mission with representative citizens of all those communities. It made a report, which was presented to the War Department in or about October of that year. That report was taken under consideration and was checked as to accuracy from October until the spring of the following year—approximately 5 months—and was then brought by reference to the attention of the Committee on Military Affairs, of which the distinguished Senator from Texas [Mr. SHEPPARD] is chairman.

Since then there has been ample publicity. There has been an opportunity to consider that report, not only for those who are interested in this particular legislation but also representatives of all those competing communities that knew about the investigation and were particularly in a position to be advised of the significance of its findings. It is extraordinary that, if dissatisfied, representatives of those communities did not appear at the public hearings of the subcommittee in June and July 1935—the later hearings being held with a view to permit those interested to answer charges emphasized on the opening day of those hearings.

There have also been open hearings on the House side on the question involved. There has been full discussion of the issues; and if there is ever to be a statute of limitations operating to bar motions to recommit—and I refer to a reasonable legislative practice, not a literal statute of limitations—it seems to me fair to ask that it be invoked by a deliberative Senate now with respect to the motion of the Senator from Illinois.

Mr. SHEPPARD. Mr. President, before a vote is taken I desire, as chairman of the Military Affairs Committee of the Senate, to submit a few further observations.

The War Department advises me that the reasons for using Chanute Field, Ill., as the location for the Air Corps Technical School were that in 1921 there existed at Chanute Field buildings which could be utilized for this purpose, and that the Department was without funds to build the school at any other location.

Some of the work of this school had previously been done at St. Paul, Minn., in temporary facilities which had to be abandoned, and part of the personnel of the school was at San Antonio, Tex., in a location which also had to be abandoned. Therefore, as the only available buildings ex-

isted at Chanute Field, and as the War Department was without funds for any other buildings at any other location, the school was established at Chanute Field. Those buildings were war-time buildings, and by this time have become so dilapidated and so outworn that, in any event, whether the school is retained at Chanute or whether it is moved, a new set of buildings must be constructed.

In March of last year I received the following letter from the Secretary of War:

For several years the question has been discussed in Congress as to the location of the Air Corps Technical School. Many communities and localities have been intensely interested in this subject. In order to obtain an intelligent estimate of the factors involved I appointed a board of Air Corps officers and directed them to make a comprehensive survey of all localities involved. They have submitted their report, which I enclose herewith, with the request that the Congress finally decide this matter so that the necessary appropriations may be obtained to push the project to fruition.

The concluding comments of a statement of the board of officers appointed to make this investigation are as follows:

After studying the problem for a period of more than 5 months, after visiting 57 communities throughout the United States, and after analyzing the data submitted by these and several other towns and cities not visited, the board has come to the unanimous conclusion that Chanute Field, Rantoul, Ill., is unsuitable as the location of the Air Corps Technical School.

I wish to say here that when I stated at the opening of this debate that 86 cities were visited personally by the board I was somewhat inaccurate. I should have said that 57 cities were visited personally and that the remaining number were passed upon through the medium of questionnaires.

The board then proceeded to say in the statement to which I am referring:

The board was presented with facts which proved conclusively that the present morale of the school personnel

Meaning the school at Chanute Field—

is low and will always be low as long as the station is retained at its present location. A low morale means a decreased efficiency. In addition, the climatic features are unsuitable for the successful completion of the curriculum, and the acquisition of a bombing range is impracticable in that locality. The present buildings at Chanute Field are of temporary, wartime construction and are in deplorable condition. If the school were to be permanently located on that site, all of these buildings would have to be demolished and the station completely reconstructed.

Let me say that whatever may be the decision of the Senate, it should be remembered that the city of Denver made no effort to secure the location of the school until the board had advised it of its selection.

After receiving the report of the board, the Senate Committee on Military Affairs appointed a subcommittee, headed by the Senator from Indiana [Mr. MINTON], to consider the report, and after the subcommittee had held a number of hearings, it concluded that the findings were based on ample evidence.

In view of that situation, the Senate Committee on Military Affairs reported the pending bill to carry out the recommendations of the board that the Air Corps Technical School be located at Denver. I trust, therefore, that the motion to recommit will be defeated and that the bill will be passed.

Mr. LEWIS. Mr. President, may I ask the Senator did he not fall into error in stating that Denver had made no effort to obtain this school until after the report of the board of officers?

Mr. SHEPPARD. Not until after the board had notified Denver of its selection.

Mr. LEWIS. That Denver had made no effort until the board had first reported in its favor?

Mr. SHEPPARD. That Denver had made no offer of the site until Denver had been selected by the board.

Mr. LEWIS. That is different. The able Senator fell into error, and left the impression that Denver had made no effort to secure this school until after the report of the Army board in its favor.

Mr. SHEPPARD. I mean Denver made no effort on its own original initiative. Of course, every city inspected by the board, including Denver, made representations in response to

inquiries from the board, but none of them started this movement for a change in the location of the school.

Mr. LEWIS. What stimulated Denver, then, to make the proposition giving land and offering money and having a vote of the people to involve it in debt in behalf of the Government and the War Department?

Mr. SHEPPARD. When the board had asked it what it could offer. The board took the initiative and not the city of Denver.

Mr. LEWIS. That is what I wanted to have the Senator correct, because it was the board that initiated in behalf of Denver.

Mr. SHEPPARD. The board initiated examinations in 80 or more cities throughout the country, including Denver, and not in Denver alone.

Mr. DIETERICH. Mr. President, will the Senator yield further?

Mr. SHEPPARD. Yes, sir.

Mr. DIETERICH. Do I understand correctly that the city of Denver made no effort to submit its offer until the board had advised it that they had selected Denver as the site?

Mr. SHEPPARD. Denver made no original offer of its own until the board endeavored to secure from Denver a statement as to what it could offer the Government in the matter of sites.

Mr. DIETERICH. Did not the question as submitted by Denver include an offer of the site?

Mr. SHEPPARD. Not until the board had told Denver what showing was required, just as it had told every other city which it had investigated.

Mr. DIETERICH. And it told them by questionnaires.

Mr. SHEPPARD. Some were told by questionnaires and some were told after personal inspection.

Mr. DIETERICH. Did not the city of Denver submit their questionnaire offering to donate this site before the board determined to go to Denver?

Mr. SHEPPARD. Not until the board announced that it would consider Denver.

Mr. LEWIS. Would consider Denver?

Mr. SHEPPARD. Yes. And it did that with every other city which it visited. That is the point I wish to make.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois [Mr. LEWIS] to recommit the bill to the Committee on Military Affairs.

Mr. COSTIGAN. Mr. President, it is my desire to ask for a record vote, and in advance of that I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Lewis	Pope
Austin	Connally	Logan	Reynolds
Bachman	Copeland	Loneragan	Robinson
Bankhead	Costigan	McCarran	Russell
Barkley	Couzens	McGill	Schwellenbach
Benson	Dieterich	McKellar	Sheppard
Black	Donahay	McNary	Smith
Bone	Fletcher	Maloney	Stelwer
Borah	Frazier	Minton	Thomas, Utah
Brown	Gibson	Murray	Townsend
Bulkley	Glass	Neely	Trammell
Bulow	Hatch	Norbeck	Truman
Burke	Johnson	Norris	Van Nuys
Byrnes	Keyes	Nye	Wagner
Capper	King	O'Mahoney	Walsh
Carey	La Follette	Pittman	Wheeler

The VICE PRESIDENT. Sixty-four Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Illinois [Mr. LEWIS], to recommit the bill to the Committee on Military Affairs.

Mr. COSTIGAN. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GIBSON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mrs. CARAWAY]. Not knowing how that Senator would vote, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. McNARY (when his name was called). On this vote I have a pair with the Senator from Pennsylvania [Mr. DAVIS]. If he were present, he would vote "yea"; and if I were permitted to vote, I should vote "nay."

Mr. NEELY (when his name was called). I have a general pair with the junior Senator from Maine [Mr. WHITE]. I do not know how he would vote, and therefore I am compelled to withhold my vote.

The roll call was concluded.

Mr. AUSTIN. I desire to announce the following general pairs:

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Iowa [Mr. DICKINSON] with the Senator from Mississippi [Mr. BILBO];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Maryland [Mr. TYDINGS]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from North Carolina [Mr. BAILEY].

I also wish to state that if the Senator from Rhode Island [Mr. METCALF] were present he would vote "yea."

I also announce that the Senator from Maine [Mr. HALE] would vote "nay" if present. He has a pair with the Senator from Missouri [Mr. CLARK], who, if present, would vote "yea."

Mr. LEWIS. I desire to announce that the following-named Senators are necessarily detained from the Senate: The Senator from Missouri [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New York [Mr. WAGNER], the Senator from New Jersey [Mr. MOORE], the Senator from Rhode Island [Mr. GERRY], the Senator from Mississippi [Mr. HARRISON], the Senator from Georgia [Mr. GEORGE], the Senator from California [Mr. McADOO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Wisconsin [Mr. DUFFY], the Senator from Oklahoma [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. HOLT], the Senator from Iowa [Mr. MURPHY], the Senator from Louisiana [Mr. OVERTON], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS].

The result was announced—yeas 11, nays 49, as follows:

YEAS—11			
Bachman	Connally	King	Smith
Bankhead	Dieterich	Lewis	Van Nuys
Bulkley	Donahay	Russell	

NAYS—49			
Adams	Chavez	McCarran	Robinson
Austin	Copeland	McGill	Schwellenbach
Barkley	Costigan	McKellar	Sheppard
Benson	Couzens	Maloney	Stelwer
Black	Fletcher	Minton	Thomas, Utah
Bone	Frazier	Murray	Townsend
Borah	Glass	Norbeck	Trammell
Brown	Hatch	Norris	Truman
Bulow	Johnson	Nye	Walsh
Burke	Keyes	O'Mahoney	Wheeler
Byrnes	La Follette	Pittman	
Capper	Logan	Pope	
Carey	Loneragan	Reynolds	

NOT VOTING—35			
Ashurst	Dickinson	Hastings	Overtton
Bailey	Duffy	Hayden	Radcliffe
Barbour	George	Holt	Shipstead
Bilbo	Gerry	McAdoo	Thomas, Okla.
Byrd	Gibson	McNary	Tydings
Caraway	Gore	Metcalf	Vandenberg
Clark	Guffey	Moore	Wagner
Coolidge	Hale	Murphy	White
Davis	Harrison	Neely	

So Mr. LEWIS' motion was rejected.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Illinois.

The amendment was rejected.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES OF SPECIAL COMMITTEE ON INVESTIGATION OF THE MUNITIONS INDUSTRY

Mr. BYRNES. Mr. President, I ask unanimous consent that the Senate resume at this time the consideration of Senate Resolution 221, submitted by the Senator from North Dakota [Mr. NYE], and reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina?

There being no objection, the Senate resumed the consideration of the resolution.

The VICE PRESIDENT. The amendment offered by the Senator from Tennessee [Mr. McKELLAR] will be stated.

The LEGISLATIVE CLERK. It is proposed to add at the proper place in the resolution:

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept any funds from any private or public source, nor shall any allocations of funds be made to any such committee from the Works Progress Administration, or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BARKLEY. Mr. President, as the amendment was corrected I understood that there was a proviso which does not seem to have been read.

Mr. McKELLAR. I thought the proviso was read. I am perfectly willing that it shall be made part of the amendment.

The VICE PRESIDENT. The clerk has a piece of paper in his hand. Just where it comes from the Chair does not know. The Chair is informed that the Senator from Tennessee sent up this piece of paper as an amendment to the resolution.

Mr. McKELLAR. That is true; but since that time the Senator from Montana [Mr. WHEELER] has suggested a proviso which is entirely satisfactory to me.

The VICE PRESIDENT. The Senator from Montana will offer the proviso.

Mr. WHEELER. The proviso is as follows:

Provided, however, That this shall not be construed as prohibiting the assignment of employees of departments or agencies of the Government to assist a committee of the Senate or their rendering it other assistance.

Mr. ROBINSON. Is that intended as an amendment to the amendment now pending?

Mr. WHEELER. Exactly.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question is on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution, as amended.

Mr. McNARY. Mr. President, I think it would be a little more orderly, and considerably more understandable, if the whole proposal might be read at this time.

The VICE PRESIDENT. The clerk will state the resolution, as amended. The Senate then will have before it the entire matter.

The legislative clerk read as follows:

Resolved, That the special committee appointed by the Vice President, under authority of Senate Resolution 206, agreed to on April 12, 1934, to investigate the munitions industry, hereby is authorized to expend from the contingent fund of the Senate \$7,369 in addition to the amount heretofore authorized to be expended for the purposes set forth in said resolution: Provided, That the committee is requested to make its final report to the Senate, with recommendations for legislation at this session of Congress.

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept any funds from any private or public source, nor shall any allocations of funds be made to any such committee from the Works Progress Administration or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee: Provided, however, This shall not be construed as prohibiting the assignment of employees of departments or agencies of the Government to assist a committee of the Senate or their rendering it other assistance.

LXXX—79

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. CONNALLY. Mr. President, I do not care to delay the Senate unduly with respect to the pending resolution, but I desire to have the RECORD show certain things before it is adopted.

It will be remembered that some days ago the Senator from North Dakota [Mr. NYE], in addressing the Senate, provoked the discussion of this matter by statements he had made in the press with reference to President Wilson and Mr. Lansing. In the colloquy that followed the Senator from Texas asked the Senator from North Dakota how he had secured possession of the secret diary and memoranda of Mr. Lansing. I will ask to have the clerk read what transpired.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From p. 567 of the CONGRESSIONAL RECORD of Jan. 17, 1936]

Mr. CONNALLY. I will ask the Senator this question: These are the private diaries of Mr. Lansing. I understand that in his will he provided that these notes should not be published until 20 years after his death, and that they are now in the custody of some friend. Will the Senator tell me how he got them?

Mr. NYE. Yes; I think I can tell the Senator how we got them. We got them with the consent of the Library, after approval by the trustees of the Lansing estate.

Mr. CONNALLY. Did the Senator know that Lansing left the injunction not to publish them until 20 years after his death?

Mr. NYE. No; I did not know that. I have never been told that. Many of them have been published.

Mr. CONNALLY. Mr. President, the chairman of the committee, the Senator from North Dakota [Mr. NYE], solemnly told the Senate that he secured possession of these documents with the consent of the Library, after approval by the trustees of the Lansing estate. I will ask the clerk to read another communication from one of the trustees of the estate.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the New York Times of Jan. 23, 1936]

JANUARY 21, 1936.

Senator GERALD P. NYE,
United States Senate, Washington, D. C.

DEAR SIR: The CONGRESSIONAL RECORD of Friday, January 17, 1936, at page 567, and of Saturday, January 18, 1936, at page 654, contain the following:

January 17:

"Mr. CONNALLY. I will ask the Senator this question: These are the private diaries of Mr. Lansing. I understand that in his will he provided that these notes should not be published until 20 years after his death, and that they are now in the custody of some friend. Will the Senator tell me how he got them?"

"Mr. NYE. Yes; I think I can tell the Senator how we got them. We got them with the consent of the Library, after approval by the trustees of the Lansing estate."

January 18:

"Mr. NYE. The question is raised concerning the understanding by and through which we came into possession of the diary of Secretary Lansing. Before answering that I ought perhaps to make quite certain my ground. My recollection at this time, however, is, and I think it will be shared by the Senator from Missouri, that the response to our subpoena for this record came only after the estate of Robert Lansing had indicated to the Library an agreement to permit that to be done. If I find myself mistaken in this assertion, I shall gladly report it to the Senate before the day is over."

General publicity has been given to your statement of January 18, 1936, in the New York Times of Sunday, January 19.

I trust that upon refreshing your memory from our past correspondence you will correct the inaccurate statement appearing in the CONGRESSIONAL RECORD, as you indicated you were prepared to do if you found yourself mistaken.

NO CONSENT ON DIARIES GIVEN

The diaries were turned over to the Library of Congress by Mrs. Lansing during her lifetime; but insofar as the estate of either Mr. or Mrs. Lansing is concerned, or any of their relatives, no consent to your committee's examination of the private diaries has ever been given.

After I learned that the diaries had been made available to your committee under subpoena, I wrote you under date of August 20, 1935, as follows:

"I am advised by the Library of Congress that, under subpoena from the special committee investigating the munitions industry, a representative of your committee has recently been given

access to and has examined certain personal and private diaries of Robert Lansing.

"These diaries were put in the possession of the Library of Congress by Mrs. Lansing on the express condition, which I understand embodied Mr. Lansing's own wish, that the papers should be kept sealed for a period of 20 years, the only qualification being that my brother, John Foster Dulles, and I, Mrs. Lansing's nephews, could have access thereto. Neither my brother nor I have exercised this right.

SAW "UNWARRANTED INVASION"

"In view of the very personal character of the diaries and the circumstances under which they were deposited with the Library of Congress, I respectfully request that no public use be made of any material contained therein. I consider that any such public use of these diaries would be an unwarranted invasion of personal and private papers. Isolated excerpts from private diaries of this character could hardly be of any value in an official investigation such as that of your committee.

"Further, if publicity resulted, it would create a most unfortunate precedent and would render it most unlikely that private papers would hereafter be placed in a depository such as the Library of Congress, since this deposit would then only tend to facilitate examination and publicity at a time and under conditions contrary to the desire and intention of the writer.

"CONTINUED PRIVACY" DESIRED

"I trust that your committee will give this matter careful consideration and that you will be in a position to tell me that Mr. Lansing's wishes in connection with the continued privacy of these papers will be respected. I am sure that it would have been Mr. Lansing's wish that any papers relating to his work as a public official should be available to your committee to the extent that the Department of State considered to be in the public interest."

I beg further to call your attention to the letter dated October 3, 1935, sent to me over your name per Stephen Raushenbush, in which you state:

"It is not the intention of the committee to make use of any of the material in the private diaries. We have not, therefore, had any of this material either copied or photostated.

"Should there be any change in regard to this matter, the committee would, of course, inform you of it."

According to the CONGRESSIONAL RECORD, copies of excerpts from the diaries have been circulated among certain Members of the Senate.

As both Mr. and Mrs. Lansing were most scrupulous in turning back to the Department of State all papers and documents which formed a part of Mr. Lansing's work as an official of the United States Government, it is hard to understand why their wishes with respect to this personal diary should have been disregarded.

Very truly yours,

ALLEN W. DULLES.

Mr. CONNALLY. Mr. President, I believe that is the letter from Mr. Dulles, the nephew of Secretary Lansing, addressed to the Senator from North Dakota, is it not?

The VICE PRESIDENT. It is the letter referred to by the Senator.

Mr. CONNALLY. Mr. President, in view of the statement on the floor of the Senate by the Senator from North Dakota that he had the permission of the Librarian of Congress to use these papers, I called up the Librarian of Congress and asked him about the matter. I should like to have read a letter from the Librarian of Congress.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

LIBRARY OF CONGRESS,
Washington, January 23, 1936.

HON. TOM CONNALLY,
Room 453, Senate Office Building.

DEAR SENATOR CONNALLY: Referring to certain discussion in the Senate on Friday last (the 17th), you have just telephoned me requesting a statement as to the exact circumstances which led to the examination here in behalf of the so-called Munitions Committee of the diaries and certain personal memoranda of the late Robert Lansing.

I have had occasion to state those circumstances in answer to an inquiry from Mr. Justice Edward N. Smith, of Watertown, N. Y., received by me on Monday (the 20th) and answered on the same day. You have indicated that copies of his letter and my response may serve your purpose. I am sending them herewith.

Faithfully yours,

HERBERT PUTNAM, Librarian.

Mr. CONNALLY. Mr. President, I have here a letter from Edward N. Smith, Justice of the Supreme Court of the State of New York, which I should like to have read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

SUPREME COURT CHAMBERS,
WATERTOWN, N. Y., January 18, 1936.

LIBRARIAN CONGRESSIONAL LIBRARY,
Washington, D. C.

DEAR SIR: I was somewhat disturbed at reading, in the United Press reports, a copy of a letter dated April 7, 1917, from the late Robert Lansing to me. This was the day after the United States entered the World War.

This was a personal letter to me, and marked "Personal." I had a voluminous correspondence with Mr. Lansing, who was a very close personal friend of mine, from 1913 up to shortly before his death, which correspondence I have preserved in confidence. Some of these letters are of the deepest interest, especially those written from Paris while Mr. Lansing was a member of the American Commission at the Peace Conference; these were personal and confidential letters, largely, however, upon the subject of public affairs of the day.

After Mr. Lansing's death I was informed reliably that Mrs. Lansing had made a deposit of Mr. Lansing's correspondence which was of any public interest with the Congressional Library, under instructions that such correspondence was not to be exposed to the public eye until 20 years after the date of Mr. Lansing's death.

Knowing that the Senate committee could not have received the letter of April 7, 1917, from my files, I have been wondering how the Senate Committee came into possession of it, and as to whether the seal of secrecy had been broken.

I would thank you for any information you can give me upon this subject, for the reason that I intended to preserve the secrecy of this correspondence in accordance with the wishes of Mrs. Lansing. In any event it is a great shock to me to think that personal correspondence, as distinguished from official correspondence would ever be brought to public view by a public body. If, however, the publication of this personal correspondence was authorized under the terms and conditions of its deposit with the Congressional Library, the ban of secrecy, which I have personally held sacred, would seem to have been removed.

Sincerely yours,

EDWARD N. SMITH.

Mr. CONNALLY. I should also like to have read the reply of the Librarian of Congress.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

LIBRARY OF CONGRESS,
Washington, January 20, 1936.

HON. EDWARD N. SMITH,
Justice of the Supreme Court of the State of New York,
Watertown, N. Y.

DEAR MR. JUSTICE: I have this morning your note of the 18th, which has had, of course, my immediate attention.

The stipulation by Mrs. Lansing in depositing here a portion of Mr. Lansing's papers (the major portion went, we understood, to the Department of State) was that certain of them (certain memoranda and the diaries enclosed in a tin box) should not be accessible until the year 1950 without her permission or that of one of her two nephews. When access to them was demanded by the committee, our immediate course was to put the committee in touch with one of the nephews. No arrangement satisfactory to the committee having resulted, we declined to permit the access until we had been served with a formal subpoena. To that we yielded to the extent of permitting a representative of the committee, under the supervision of our Chief Assistant Librarian, to examine the papers and make copies of certain of them.

By way of assuaging our scruples, it was represented that such a subpoena would have produced the papers even if in the hands of Mrs. Lansing herself.

Will you refer me to any publication which gives in full the letter you mention—unless the one in the New York Times of the 17th is complete?

Faithfully yours,

HERBERT PUTNAM, Librarian.

Mr. CONNALLY. I shall not read, but I ask to have printed in the RECORD at this point the official subpoena issued by the committee of which the Senator from North Dakota is chairman, requiring the production of the secret diaries which the Librarian said he declined to furnish the committee, and which the trustees of the Lansing estate say they declined to furnish the committee. Consent was obtained by compulsory process; and yet the Senator from North Dakota said on the floor of the Senate that they had gotten the diaries from the Library of Congress with the consent of the trustees of the estate. In other words, this was consent obtained by forcible process which invades the grave and tears from the dead hand of the honored dead these private papers, left with an injunction that they be not divulged until 1950.

I ask to have the subpoena printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The subpoena is as follows:

UNITED STATES OF AMERICA,
CONGRESS OF THE UNITED STATES.

To FRED W. ASHLEY,

Library of Congress, Washington, D. C., greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the United States Senate Committee Investigating the Munitions Industry of the Senate of the United States, on Friday, July 26, 1935, at 5 o'clock p. m., at their committee room, 332 Senate Office Building, then and there to testify what you may know relative to the subject matters under consideration by said committee; and you, the said Fred W. Ashley, to bring with you that part of the diary of Robert Lansing, Counselor of the Department of State and Secretary of State during the World War, which covers his official career from the beginning of the World War on August 1, 1914, up to and including his resignation as Secretary of State on February 13, 1920.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To Josephine Burns to serve and return.

Given under my hand, by order of the committee, this 24th day of July, A. D. 1935.

Chairman, Committee on _____.

Service accepted July 24 at 3 p. m.

FRED W. ASHLEY.

Mr. CONNALLY. Mr. President, I do not care to oppose the resolution. I said the other day that I was not favorable to continuing the kind of investigation that had been conducted by the Munitions Committee within the few days preceding the remarks I submitted. We have assurances, however, from members of the committee that \$2,700 of this money is already obligated. It is a deficit. I do not want clerks and stenographers going around unpaid. The committee, of course, had no right to contract a deficit until it came to the Senate and received authority to do so. However, it has done it and the clerks ought to be paid. I have no objection to the committee proceeding to wind up its transactions and file its report with the Senate; but I do protest that the committee must stay within its jurisdiction and devote its efforts and its energies to a proper investigation of the matters it was directed to investigate.

Mr. President, it has been charged in the press that somebody is afraid of some revelations. So far as I am concerned, I do not care what the Committee on Munitions reveals so long as it reveals the truth, so that when its members speak on the floor of the Senate we may know they speak the truth, and we may rely upon the statements of its chairman and its members. I have no fear of any revelation regarding the conduct of any Member of the Senate who was either a Member of the Senate during the World War or occupied any other position in the Government service. So far as the Senator from Texas is concerned, whatever revelations may be made regarding his actions during that period will show that he was on the side of his own country, not on the side of those who were enemies of his own country. They will show that the Senator from Texas, when he voted for war, did so for the real reasons for which we went into the war; and that he was not one of those who were sneaking around sympathizing with the enemy and pretending that we were dragged into the war for other than the real reasons.

So, Mr. President, let the investigation proceed. Let the committee have these funds—\$7,500, \$2,700 of which have already been spent. Let the committee stay within its jurisdiction. Let it investigate the truth. Let it, when it speaks on the floor of the Senate, speak the truth. Nobody in this Chamber will object to that kind of conduct on the part of the munitions committee.

I see by the newspapers that there are great secrets which are going to be revealed if they do not get the money. The committee is now going to get the money; let the committee go ahead and reveal those secrets.

NYE vows new war secrets.

That is a headline—"New war secrets." Why, in 18 months, have not these great "war secrets" been revealed?

Here is another headline:

NYE threatens to reveal all.

Going to reveal everything! Going to reveal all! Mr. President, let the Senator reveal all. What is it that is being hidden from the country? What is it that is slumbering in the breast of the Senator from North Dakota that affects his country and that affects the Senate and affects the integrity of our record in the war? Bring it out into the open, and let us see what it is. Let us know what it is. He "threatens to reveal all"! He "threatens"!

The headline continues:

Says he'll air Soviet recognition "deal" if inquiry funds are stopped.

Why do so if the funds are stopped? Why threaten here that he will "air" something if we do not give him some more money? I am willing to give him some more money so that he may "air" everything that has anything to do with this inquiry. But, Mr. President, some of us are weary; some of us have lost patience with gentlemen who threaten what they are going to do to the Senate, and to the country, and to Senators, and to private individuals.

Now that the committee has the money, let them do their worst. Let them tell all these terrible "secrets" that they are holding back, and with which they are threatening public characters and public figures.

With that, Mr. President, I am willing to have the resolution adopted. Let the committee pay the girls and the young men who have been working for it. Let it pay them what it had no right to contract. Let the committee wind up its investigation, and investigate anything on earth that is pertinent to the inquiry. Let it get the truth, and bring it back here.

After these dire threats, I really did not feel much like voting any further funds; but when I read the threat that if we did not grant the committee some more funds the chairman was going to "reveal all", I lost my courage. We do not want everything revealed, of course; but I am perfectly willing for the committee to have the other \$7,500 just so long as they will stay within their proper jurisdiction, and come back from the cemeteries and the catacombs and get out in the light of day and investigate the truth. If they will do that, I shall not have objection to voting the \$7,500.

The VICE PRESIDENT. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

Mr. NYE. Mr. President, I appreciate the Senate's approval of the resolution furnishing the additional money which will permit the committee to round out its work and report to the Senate.

Before proceeding, I should like to ask a page to bring to me the clippings from which the Senator from Texas has been quoting, for I think those clippings will be clear evidence that the Senator from North Dakota—myself—has at no time threatened anything if the committee got its money or if the committee did not get its money.

I observe that the Senator has been quoting from the Washington Herald of January 20, 1936, an article under the heading:

Fight to the finish; Nye vows new war secrets; squabble for funds; President may get Senate argument for decision; by Don Ewing.

I follow down through the article, and I find myself quoted as saying:

The committee is especially anxious to learn why certain companies are permitted to supply potential enemies of the United States with the latest American military inventions and devices.

I find myself quoted again as saying:

It would be greatly to the financial advantage of certain powerful industrial interests to have this report buried, and the subject forgotten.

And I find myself in this article quoted again as saying:

There are some doubtless who feel, for sentimental reasons, that my personal comment on the official acts of two men constitute sufficient reason for putting a summary and premature end to the broad constructive work of the committee.

A vastly larger number may simply be eager to seize upon any weapon and resort to any subterfuge to kill legislation which threatens the bloody profits to be made from war.

That, so nearly as I can ascertain from the clipping from which the Senator has read, constitutes the extent of the occasion for the headline *NYE Threatens to Reveal All*.

I repeat, Mr. President, that I have not threatened, and, so far as I know, no other member of the Munitions Committee has threatened anything in the event the money was appropriated or in the event the money was not appropriated. Very clearly the Senator from Texas has sought today to put me in the light of one who falsified to the Senate. Had the Senator from Texas withheld his remarks until after the adoption of the resolution which has just been agreed to, he would have found me before the Senate offering my apologies for what was said on the floor one day and offering full and complete explanation of what was said.

I did say one day last week that it was my opinion that the Lansing diary in the Library of Congress had been made available to the committee by and with the consent of the trustees of the Lansing estate and the Library itself, and that if I found the facts to be different than I have stated, I would report to the Senate—my exact words were—before the end of the day.

I sought that afternoon to ascertain from a member of our staff who had sought this information precisely what the facts were. He was not available, and not until some days later were the full facts in connection therewith made available to me. I came to the Senate today prepared, after the adoption of the resolution appropriating the money to continue the investigation, to make a full and complete statement covering the entire matter. There has been at no moment any desire on my part or any intent on my part to deny the facts in connection therewith to the Senate.

On January 21, Mr. Dulles addressed a letter to me which the Senator from Texas has had read in the Senate this afternoon. I should have asked as much to be done. I should also have asked—which I shall do now—for consent to have read my answer to that letter, under date of January 23, in which, incidentally, it was acknowledged that my statement on the floor had not been correct. I send to the desk my answer of January 3 to Mr. Dulles' letter, which, incidentally, was made available to the public through the press as was Mr. Dulles' letter originally, and ask that it may be read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

JANUARY 23, 1936.

ALLEN W. DULLES, Esq.,
48 Wall St., New York City.

DEAR SIR: I am in receipt of your letter of January 21, 1936. It appears that you hold that the showing of a certain small extract of the Lansing Diary to certain Senators was equivalent to making that part of the diary public. The extract in question deals with a very important piece of official business. It had nothing to do with the private affairs of the late Secretary. The showing of the extract to certain Senators was not equivalent to making the diary public. I specifically refrained from inserting into the public record the significant language of that extract.

In a letter of August 20, 1935, I informed you that "You will be interested to know that in the examination to date of the Lansing diaries no personal items of any sort were encountered. The diaries consist of notations of official meetings and comments on the course of foreign affairs. There were no family items whatsoever."

At that time I was under the impression that some of the diary was being copied and photostated, and assured you that such material would be considered by the committee very carefully before being entered into the public records. I was later informed that no official copies or photostats had been made, but was shown the notes made of certain sections. It was only when the extract in question became of material evidence in discussion that I asked that a typed copy of those notes be made and showed that to certain Senators. This is not equivalent to the official use of the material in the public record.

Speaking on the floor on January 18, in reply to a question, I stated, with qualifications, my memory that the subpoena was not objectionable to the estate. I find now that there is nothing on record to this effect and will correct my statement by inserting this letter into the Record. What I had in mind was the committee's offer to have some representative of the estate sit with the committee's representative during the examination so that nothing personal pertaining to his family and other nonofficial matters would be examined. I had been informed by my staff that you had, by telephone, expressed the belief that that was unnecessary.

Later I was told that the diary dealt entirely with official matters. I am enclosing herewith a full typed copy of all the notes which, you will see, are covered for 1915 and 1916 in the war memoirs of Robert Lansing, and from 1917 on deal with the origins, character, and future of the League of Nations, and the terms of the Treaty of Versailles which the members of the American delegation to the peace conference helped negotiate, and other matters of foreign policy of great importance to the present discussion of neutrality.

Sincerely,

GERALD P. NYE, Chairman.

Mr. NYE. Mr. President, I think no record of this particular controversy would be complete without a portrayal of the committee's effort to gain access to information which was not of a private nature in any sense, a matter that did deal with large and ever larger public questions, facts which ought to be available to the public since they were written by a man in public life. I do not know why it should be possible, as it is, for a Senate committee to obtain the records of the files of any man alive, and yet be forced to feel that once a man dies, history which he has written, memoranda which he has recorded, die with him.

In contact with the member of our staff who had sought the information, which was locked up in the Library of Congress, I prevailed upon Mr. Lawrence Brown, the member of our staff referred to, to prepare a memorandum concerning the efforts which had been his with Mr. Dulles to gain access to this information. I beg the moment of the Senate which will be required to hear that memorandum. The heading is:

MEMORANDUM OF A CONVERSATION WITH JOHN FOSTER DULLES AT HIS OFFICE, SULLIVAN & CROMWELL, WALL STREET, NEW YORK, JUNE 13, 1935

I introduced myself and told him I wished to discuss the Lansing diary in the Library of Congress. I told him that I understood that the diary was sealed for a number of years yet, but that Mrs. Lansing (Mr. Dulles' aunt) had provided, in accordance with Mr. Lansing's express instructions, that Mr. Dulles and his brother, Allen W. Dulles, might at any time have access to it and make such use of any material as they chose.

He confirmed this, but stated emphatically that he thought the secrets of prominent men ought to be preserved, particularly their personal secrets.

I agreed, pointing out that the committee had no desire to break the seal on the diary and make it public, but that there were certain events during the period in which Mr. Lansing was Secretary of State on which the committee's information was inadequate, and that it had occurred to the committee that some light might be cast on these events by Mr. Lansing's diary. I pointed out further that even the personal memoirs of a Secretary of State, assuming for the moment that the Lansing diary was entirely personal, might contain a great deal of important and impersonal historical information. I suggested that for the moment we discuss not the question of making any of the diary public but first settle whether in his opinion the committee ought not to be permitted to see whether the diary contained any material relevant to its inquiry. If there were such information, we could then discuss with Mr. Dulles the propriety of making any of it public.

He agreed to consider the matter from this view.

I then asked him why he and his brother had the right of access.

He said this was because Mr. Lansing feared to lock the diary up altogether, thinking that at some time after his death but before the release of the diary important questions of fact of great public interest might arise and that it would be wise and in the public interest to be able to settle questions of this nature, or at least cast light on them, by permitting access to and some public use of the diary.

I asked him if he did not think the Munitions Committee's inquiry was not exactly the situation that Mr. Lansing had foreseen and made provision for.

He thought possibly, but was not sure.

I then pointed out that the committee had a large amount of material about the war and wartime munitions financing from the files of various banks; that this material pointed to certain conclusions, but might, in the last analysis, be somewhat one-sided, and that in fairness to everyone the committee should have access to all the important material available, so that neither it nor the public would draw conclusions from only part of the evidence.

I then suggested as a working arrangement that either he himself or someone he designated go over the diary with someone from the committee and determine whether in their joint judgment any of the diary should be made available formally to the committee.

He agreed to consider this and discuss it with his brother, who was returning from Europe in a few days. He agreed to get in touch with me shortly.

I heard nothing further from Mr. Dulles for a month, and then raised the question with him myself. He then declined absolutely to cooperate with the committee in any way.

In contrast it seems proper to point out that the committee has freely been given access to the personal papers of Benjamin Strong, Paul M. Warburg, Leland L. Summers, B. M. Baruch, Colonel House, President Wilson, William B. Hale, Frank L. Polk,

Charles Altschul, George Blumenthal, Charles S. Hamlin. In no case has there been any objection to the committee's request or criticism of the papers taken or the use made of them.

This memorandum was signed by Lawrence Brown, of our staff.

I have read this to point out that Mr. Dulles himself at one time was strongly inclined to believe that he might be authorized to let the committee have access to this private diary. We could not get it in that manner. We subpoenaed it from the Library. Now the committee is charged directly and indirectly with having betrayed a confidence.

What was that confidence? What was the assurance that we had given? That we would not publish it without consent. It has not been published. It is true that a violent temper and an unruly tongue broke loose here on the floor of the Senate some 10 days ago, and called for proof of some things that had been said on the previous day. After that unruly tongue and that temper had broken away from their moorings in the manner that they did, I felt called upon to lay before the Senate proof of what I had said. I think the proof was laid down here amply; and yet, to make doubly convincing the allegation that had been made, I felt at liberty, as a Member of the Senate who had access to information, to make that information available to other Members of the Senate; and the memoranda, being from the diary of Secretary Lansing, were passed to three or more Members of this body, including the Senator from Texas [Mr. CONNALLY]. The Senator from Texas had demanded proof, and now that he has received it, as he did on that day, he seems to be angry because it was proven.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator from Texas.

Mr. CONNALLY. The Senator is not angry about the proof. All the Senator has done is to quote the language of the Senator from North Dakota, giving the Senate not his opinion but his absolute statement that he got these papers with the consent of the Library and with the consent of the trustees; and the Senator from Texas simply called attention to the fact that the Senator from North Dakota got them neither with the consent of the Library nor with the consent of the trustees.

Mr. NYE. Mr. President, I have called attention to the fact that that information would have been available to the Senate without any prodding whatsoever on the part of the Senator from Texas.

In the light of the explanation afforded by Mr. Dulles, it seems to me the purpose of Mr. Lansing would have been well served by public use of extracts from his diary, which were laid confidentially before Members of the Senate last week. For the life of me I cannot understand why the entire diary should not be published. It does not deal with personal matters. It deals with public matters. It deals with history-making facts. Yet back into the Library goes that diary, sealed and locked up for 13 or 15 more years, during which time, under the seal of confidence, we are going to have to pursue courses blindly when we might pursue courses that were well and plainly laid out for us by reason of the experience of men in other days.

Why is it that there is such insistence upon secrecy for so many public documents? Why is it that Secretaries in Cabinets, at the expiration of their terms, will take endless reams from the official files and truck them away into their homes with them? The law says it shall not be done, but it is done. Why must we conceal facts when they mean so much to a people who are trying to prevent recurrence of a thing that has laid upon the doorsteps of millions of Americans such misery as has never heretofore been laid upon the doorsteps of Americans?

Woodrow Wilson himself would not tolerate that sort of secrecy. It was Wilson who said:

If there is nothing to conceal, then why conceal it? Everybody knows that corruption thrives in secret places and avoids public places; and we believe it a fair presumption that secrecy means impropriety. So our honest politicians and our honorable corporation heads owe it to their reputations to bring their activities out into the open.

There are many records in existence today which would mean much to our history and to our law making in the future if they were made publicly available; but they are not available, and when we have made approach to win access to some such records during these last 18 months we have been put off for one reason or another by men in whose custody those records were.

The Lansing papers are very important from a historical standpoint, very important as revealing facts to which every American ought to have access. But I repeat, under that veil of secrecy and confidence, back into the secret recesses of the Library they go, to become available to a people wanting truth and facts only after another 10 or 15 years shall have passed.

I shall not speak longer on this subject this afternoon, but I probably shall on another occasion reveal how Lansing, himself, and others have resorted to that diary which is in the Library, and have builded on it memoirs of the war which are public today, and which only indicate in a small way what America might know if only all the truth could be laid before the people of America.

Here we were, in days approaching our entry into the World War, with our neutrality in the custody of a man who 2 years before we entered the war became Secretary of State, and yet who that early, 2 years before we entered the war, professed a prejudice and a belief, an assurance, it seemed to be, that sooner or later we were going to be in the war on the side of the Allies. Indeed, he felt we ought to be in it then.

But the people of America would never tolerate it at that time, and he said it would therefore be necessary to resort to a program of converting the American mind to the cause of the Allies, this man who had the faith and the confidence of the people of America as the custodian of an honest, sincere neutrality policy. Yet for 2 years that kind of man, believing as he did believe, was leading in our neutrality, keeping America out of the war.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. NYE. I yield.

Mr. BONE. I have never examined the documents to which the Senator refers, because I was not present in the Senate when all the debate occurred to which the Senator has adverted, but I should like to ask the Senator from North Dakota now whether or not these papers prepared by Mr. Lansing dealt with his personal and private affairs or whether they dealt exclusively with public affairs?

Mr. NYE. Mr. President, not having seen the diary itself, I am unprepared to say. The notes which were copied from the diary by members of our staff who had access to it under the subpoena related in no degree to any personal matter. They related wholly to public matters.

Mr. BONE. Let me ask the Senator another question, then, for the purposes of this record. Did those portions of the Lansing papers which have been under discussion in the Senate during my absence relate exclusively to public matters—matters which are of historic interest?

Mr. NYE. Wholly and exclusively.

Mr. BONE. Are we to assume that the public acts of a man are to be buried for 50 years and may not even be discussed when there is a possibility of this country going into another war and millions of our boys dying?

Mr. NYE. Evidently, I will say to the Senator from Washington, we are under obligations to turn our backs upon those facts.

Mr. BONE. I want to know whether the possibility of the destroying of hundreds and thousands of our boys in another war is not more important than keeping hidden from the public gaze certain public documents. I think it is important that we should know what our attitude is to be in a matter of this kind.

Mr. NYE. Mr. President, I fully join with the Senator from Washington in his point of view. Yet, under the confidence to which I have been sworn in connection with this Lansing diary, no man is ever going to have access to

knowledge which is mine by reason of my having been able to see excerpts taken from that diary.

I shall not take longer of the Senate's time this afternoon, but there is coming a day when I shall speak at great length upon the question of neutrality as it was practiced in other days, and as it was built around Robert Lansing and other officials of that hour.

In concluding this afternoon, I wish only to say that the Senate is led to believe that there is a frightful crime committed when a committee of the Senate creates a deficit and comes back to the Senate asking for additional funds to take up the deficit. It may be that it has been a long time, perhaps a few months, since another committee of the Senate has incurred a deficit. It may be there has not been a deficit of a committee since the Senator from Texas [Mr. CONNALLY] was chairman of a committee investigating campaign activities down in Louisiana, not since the day when the Senator from Texas came to the Senate and asked for an additional \$5,000 to take up a deficit which his committee had created—how long ago was it—2 years or 3 years ago?

Mr. President, I wish once again to thank the Senate for its liberal consideration, which has made available the additional funds which the Munitions Committee expect will be ample to round out the study, the tremendous study, it has made, and in completing that study. I am prepared to say to the Senate that in all probability it will not be later than the 15th of March when the committee will have made additional reports and recommendations to the Senate based upon that study, and that study and the committee's reports and findings will, whether the Senator from Texas wants to believe it or not, be based upon facts, founded in fact, and will deal only with the truth as we have found it.

Mr. ROBINSON obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. CONNALLY. Mr. President, the Senator from Texas is not concerned so much with what is in the Lansing diaries; the Senator from Texas does not care whether they related to private matters, concerning his health and what he had for dinner, or whether they were the private notes he made about public affairs. The Senator from Texas is concerned about what statements are made on the Senate floor by Senators representing committees appointed by the Senate. He is interested in having some assurance that when they make statements the Senate can rely upon them.

The Senator from North Dakota seems to think that because he and his committee believe that secret matters, tied up by a dead man's will for a certain number of years, ought to be revealed, they have a right to reveal them. He says he is against secret and private things. Many people entertain views like that. The burglar who breaks into your house at night and steals your property does not believe in private property or private security. The thief who pilfers from your pocket on the train does not believe in your possessing that which is yours, and keeping it in your pocket if he wills otherwise. The jackal or the hyena which invades the cemetery and, in order to fatten his own body, digs up the dead does not believe in the sanctity of the cemetery or the sanctity of the tomb.

Mr. President, the Senator from Texas was not referring to the statement which the Senator from North Dakota made on the 18th; the Senator from Texas was referring to what he said on the 17th. There was no expression of opinion. There was no expression of belief. He made the unequivocal statement that these papers had been obtained with the consent of the Librarian of Congress and the trustees. This is what he said:

We got them with the consent of the Library, after approval by the trustees of the Lansing estate.

They got the papers with a subpoena. They got them with force. They got them with a threat of punishment if the Librarian did not obey the subpoena. That is what the Senator from Texas is talking about.

The Senator from Texas does not care anything about what is in these private papers of Mr. Lansing. I under-

stand the committee has copied them. I understand the Committee on Munitions has preserved copies of all the Lansing papers that it desires; has preserved copies of all the secret transactions of the State Department with foreign governments which the State Department required the committee to return to their files.

The committee has kept copies. No one knows what will become of those copies after the committee shall adjourn. No one knows what use will be made of them.

I cannot make any charge about what use will be made of the copies, because, of course, I do not know. But why does the committee desire to retain for its own use, public or private, papers or copies of papers which it obtained under a solemn promise that their contents would not be divulged? The Senator from North Dakota said in effect, "We promised not to divulge them, and we only divulged a little of them. We only divulged them to three or four Senators. We only referred to them in the public press, but did not divulge the text."

Mr. NYE. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from North Dakota. Then I shall ask that a Senate bill be taken up for consideration.

Mr. CONNALLY. I thought the Senator from Arkansas had yielded to me.

Mr. ROBINSON. I yielded to the Senator from Texas for the purpose of making a brief statement.

Mr. CONNALLY. I said I wanted 5 minutes. I do not think I have used 5 minutes. However, of course, the Senator from Arkansas has the right to take the floor, and I give it up.

Mr. ROBINSON. I desire to be courteous to all Senators.

Mr. CONNALLY. The Senator from Arkansas may decline to yield to me and yield to the Senator from North Dakota if he so desires.

Mr. ROBINSON. The Senator from Texas has no right to make that statement. If the Senator from Texas wishes to conclude his statement now, he may do so.

Mr. NYE. Mr. President, I withdraw my request that the Senator yield to me.

CORRECTION OF ERRORS IN PRIVATE ACT NO. 349

Mr. WALSH. Mr. President, I ask unanimous consent to have Senate Joint Resolution 196, Calendar No. 1533, taken up for immediate consideration.

For the information of the Senate, I will state that this joint resolution proposes to correct an error in a bill which was passed at the last session of Congress. It is necessary to have the error rectified in order that the Comptroller General may meet the obligations under the bill. The joint resolution is brought before the Senate with the recommendation of the Comptroller.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

Mr. McNARY. Mr. President, I have conferred with the Senator from Massachusetts. I think the joint resolution comes within the class of emergency measures, and I have no objection to its immediate consideration.

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 196) to correct errors in the enrollment of Private Act No. 349, Seventy-fourth Congress, approved August 29, 1935, and to clarify the duties of the Comptroller General in connection with said act, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That section 3 of Private Act Numbered 349, Seventy-fourth Congress, approved August 29, 1935, be, and the same is hereby, amended by striking out the numerals "10" wherever they appear therein and inserting in lieu thereof the numerals "20."

Sec. 2. That the payments authorized in section 3 of the said act to be made to the "attorney or attorneys who performed services toward securing provision for the payment herein of the amounts so found" shall be made to Clarence W. DeKnight.

LOANS FOR CROP PRODUCTION

Mr. ROBINSON. I move that the Senate proceed to the consideration of Calendar No. 1527, being Senate bill 3612,

to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

I will state that it is not my intention to proceed with the consideration of the bill today, further than to have it made the unfinished business.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas that the Senate proceed to the consideration of the bill referred to by him.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with an amendment.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of the following officers in the Diplomatic and Foreign Service:

H. Earle Russell, of Michigan, now a Foreign Service officer of class 3 and a consul general, to be also a secretary in the Diplomatic Service;

Cornelius Van H. Engert, of California, now a Foreign Service officer of class 3, to act as minister resident and consul general to Ethiopia; and

Henry S. Villard, of New York, now a Foreign Service officer of class 8 and a consul, to be also a secretary in the Diplomatic Service.

The VICE PRESIDENT. The reports will be placed on the calendar.

NATIONAL MEDIATION BOARD—JAMES W. CARMALT

Mr. WHEELER. From the Committee on Interstate Commerce I report back favorably the nomination of James W. Carmalt, of the District of Columbia, to be a member of the National Mediation Board for the term expiring February 1, 1939. This is a reappointment, and I ask unanimous consent that the nomination be considered at this time. I will state the reason for my request.

I have a letter from the chairman of the Mediation Board, as follows:

NATIONAL MEDIATION BOARD,
Washington, January 28, 1936.

Hon. BURTON K. WHEELER,
Chairman, Interstate Commerce Committee,
U. S. Senate.

MY DEAR SENATOR WHEELER: You have before your committee for consideration the President's reappointment of Mr. James W. Carmalt as a member of this Board.

Mr. Carmalt's term expires on January 31 and he is now in St. Louis handling a very important case, a threat of a strike on the Mobile & Ohio Railroad. Our understanding is that Mr. Carmalt will not be authorized to act for the Board or to incur any expenses after January 31 unless he has been confirmed by the Senate.

I am taking the liberty of calling this matter to your attention and urging that, if it is at all possible, the matter of Mr. Carmalt's confirmation be handled before February 1 so that he should not have to drop the Mobile & Ohio case before it is completed.

Sincerely yours,

WM. M. LEISSERSON, Chairman.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. McNARY. Mr. President, may I ask the Senator from Montana if the committee has reported favorably on the nomination?

Mr. WHEELER. Yes; it has reported favorably. In addition to that it also reported favorably at the last session of Congress, and the Senate confirmed Mr. Carmalt for the short term.

Mr. McNARY. This involves a reappointment?

Mr. WHEELER. A reappointment.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none.

The question is, Will the Senate advise and consent to the nomination? Without objection, the nomination is confirmed.

Mr. WHEELER. I ask unanimous consent that the President be notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, it is so ordered.

GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. FLETCHER. From the Committee on Banking and Currency, I report back favorably the following nominations:

Ralph W. Morrison, of Texas, to be a member of the Board of Governors of the Federal Reserve System for a term of 2 years from February 1, 1936, vice J. J. Thomas;

Marriner S. Eccles, of Utah, to be a member of the Board of Governors of the Federal Reserve System for a term of 4 years from February 1, 1936 (reappointment);

Ronald Ransom, of Georgia, to be a member of the Board of Governors of the Federal Reserve System for a term of 6 years from February 1, 1936, vice George R. James;

John McKee, of Ohio, to be a member of the Board of Governors of the Federal Reserve System for a term of 10 years from February 1, 1936, vice Charles S. Hamlin;

M. S. Szymczak, of Illinois, to be a member of the Board of Governors of the Federal Reserve System for a term of 12 years from February 1, 1936 (reappointment); and

Joseph A. Broderick, of New York, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1936, vice Adolph C. Miller.

I ask unanimous consent that these nominations be considered now, because the terms of service of the present Board expire on the 1st of February.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. McNARY. Mr. President, in the practice we have usually followed here, nominations of this character go over for a day. The Senator from Florida discussed this particular matter with me and told me the emergency situation which exists. I have conferred with most of the members of the committee on the Republican side. I understand the Committee on Banking and Currency, to whom these nominations were referred, has reported them favorably.

Mr. FLETCHER. Yes.

Mr. McNARY. If the committee is favorable to the confirmation of the nominations—and I believe it is—the Members on this side, under the circumstances, will make no objection.

The VICE PRESIDENT. Without objection, the nominations are confirmed.

Mr. FLETCHER. I ask unanimous consent that the President be notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified.

If there are no further reports of committees, the clerk will state the first nomination in order on the calendar.

POSTMASTERS IN MINNESOTA

The legislative clerk proceeded to read sundry nominations of postmasters in Minnesota.

Mr. McKELLAR. I have no objection to the nominations of postmasters in Minnesota being confirmed. I ask that they be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed.

THE JUDICIARY

The legislative clerk read the nomination of T. Whitfield Davidson to be United States district judge, northern district of Texas.

Mr. CONNALLY. Mr. President, I ask that the nomination be confirmed.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John J. Quinn to be United States attorney, district of New Jersey.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

PRISONS INDUSTRIES REORGANIZATION BOARD

The legislative clerk read the nominations of Gustav Peck, of New York, and James P. Davis, of New York, to be members of the Prisons Industries Reorganization Board.

Mr. COPELAND. Mr. President, may I ask about the two appointments to the Prisons Industries Reorganization Board? I notice that both of them are from New York. Does any Senator present know whether these are reappointments?

The VICE PRESIDENT. The Chair cannot advise the Senator.

Mr. COPELAND. Without any prejudice to the Senators involved, I ask that the nominations go over.

The VICE PRESIDENT. The nominations will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask that the nominations of postmasters be confirmed en bloc except the nomination of Eugene C. Jones, of North, S. C., and that that nomination be passed over.

The VICE PRESIDENT. Is there objection? The Chair hears none. All nominations of postmasters with the exception specified by the Senator from Tennessee are confirmed, and the exception will be passed over.

WAR DEPARTMENT—NATIONAL GUARD BUREAU

The legislative clerk read the nomination of Albert Hazen Blanding to be chief of the National Guard Bureau of the War Department, with the rank of major general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. FLETCHER. Mr. President, I ask that the President be notified of the confirmation of the nomination.

The VICE PRESIDENT. Without objection, the President will be notified.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations for promotions in the Navy.

Mr. WALSH. For the Committee on Naval Affairs I ask that nominations for promotions in the Navy be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc. That concludes the calendar.

The Senate resumed legislative session.

MEMORIAL TO EARLY SETTLERS IN THE DISTRICT OF COLUMBIA

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1537, being the joint resolution (H. J. Res. 307) authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City. As the title indicates, the joint resolution merely proposes to grant consent for the erection of a monument or memorial in the District of Columbia. It is desired that the authority be given so that appropriate ceremonies may be held.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 307) authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a memorial of simple and artistic form and design to those early settlers whose land grants embrace the site of the Federal City, by the National Society of the Daughters of the American Colonists, a corporation, one of whose objects is the erection of memorials to commemorate historic persons, sites, or events of the colonial period of this country in the several States and the District of Columbia: *Provided*, That the site chosen and the design of the memorial shall have the approval of the National Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

REGULATION OF SMALL LOANS IN DISTRICT OF COLUMBIA

Mr. McNARY. Mr. President, upon the last call of the calendar the bill (S. 1162) to regulate the business of making small loans in the District of Columbia, and to amend an act to regulate the business of loaning money, and so forth, approved February 4, 1913, was passed without objection. Since the passage of this bill I have been advised by the former secretary of the late Senator Schall that during his lifetime he opposed the passage of the particular bill.

I desire to ask unanimous consent that the vote by which the bill was passed may be reconsidered. In the absence of the Senator from Utah [Mr. KING], who had the bill in charge, I shall postpone the request, but I give notice that when the Senate convenes on Monday next I shall submit the request.

Mr. ROBINSON. Mr. President, is the Senator advised as to whether the papers have passed out of the possession of the Senate?

Mr. McNARY. Yes; but first I desire to obtain unanimous consent for reconsideration of the vote by which the bill was passed, and then I shall ask unanimous consent for the return of the papers.

Mr. ROBINSON. Very well.

COMMITTEE REPORTS DURING SENATE RECESS

Mr. ROBINSON. Mr. President, inviting the attention of the Senator from Oregon [Mr. McNARY], I ask unanimous consent that during the recess of the Senate, committees of the Senate may report and may file their reports with the Secretary of the Senate.

Mr. McNARY. Mr. President, I consented to such an arrangement a few days ago under rather peculiar conditions, but the vice of the situation is that when we have no unfinished business and a report is made during a recess of the Senate, a particular bill may be called up at the next session of the Senate, and sufficient time is not given to Members to study the report of the committee. Ordinarily under the rule, such reports go over for a day, which gives Senators a better opportunity for studying them. With that statement I think the Senator should not urge the request.

Mr. ROBINSON. With the indulgence of the Senator from Oregon may I make a further statement about the matter?

Mr. McNARY. Certainly.

Mr. ROBINSON. The Appropriations Committee is about ready to submit a report on a general appropriation bill. I should not like to have the filing of its report deferred until Monday.

Mr. McNARY. If the request is limited to appropriation bills and legislative bills are not included, I shall make no objection.

Mr. ROBINSON. Very well. I ask that the Appropriations Committee may have leave to file with the Secretary of the Senate during the recess of the Senate such reports as it may desire to make.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RECESS TO MONDAY

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon Monday next.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until Monday, February 3, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 30 (legislative day of Jan. 16), 1936

DIPLOMATIC AND FOREIGN SERVICE

Charles S. Reed, 2d, of Ohio, now a Foreign Service officer of class 8 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

APPOINTMENTS IN THE REGULAR ARMY

TO BE MAJOR GENERALS

Brig. Gen. Henry Wolf Butner, United States Army, from February 1, 1936, vice Maj. Gen. Robert E. Callan, United States Army, to be retired January 31, 1936.

Brig. Gen. Stanley Hamer Ford, United States Army, from March 1, 1936, vice Maj. Gen. Halstead Dorey, United States Army, to be retired February 29, 1936.

Brig. Gen. Stanley Dunbar Embick, United States Army, from May 1, 1936, vice Maj. Gen. Dennis E. Nolan, United States Army, to be retired April 30, 1936.

Brig. Gen. Herbert Jay Brees, United States Army, from June 1, 1936, vice Maj. Gen. Paul B. Malone, United States Army, to be retired May 31, 1936.

TO BE CHIEF OF COAST ARTILLERY, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM APRIL 1, 1936

Col. Archibald Henry Sunderland, Coast Artillery Corps, vice Maj. Gen. Harry L. Steele, Chief of Coast Artillery, to be retired March 31, 1936.

TO BE QUARTERMASTER GENERAL, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM THE DATE OF ACCEPTANCE, WITH RANK FROM APRIL 1, 1936

Brig. Gen. Henry Gibbins, Assistant to the Quartermaster General, vice Maj. Gen. Louis H. Bash, Quartermaster General, to be retired March 31, 1936.

TO BE CHIEF OF FINANCE, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM APRIL 23, 1936

Col. Frederick Wegener Boschen, Finance Department, vice Maj. Gen. Frederick W. Coleman, Chief of Finance, whose term of office expires April 22, 1936.

TO BE BRIGADIER GENERALS

Col. Daniel Van Voorhis, Cavalry, vice Brig. Gen. Henry W. Butner, United States Army, nominated for appointment as major general.

Col. Walter Schuyler Grant, Cavalry, vice Brig. Gen. Stanley H. Ford, United States Army, nominated for appointment as major general.

Col. Ben Lear, Cavalry, vice Brig. Gen. Stanley D. Embick, United States Army, nominated for appointment as major general.

Col. George Redfield Spalding, Corps of Engineers, vice Brig. Gen. Herbert J. Brees, United States Army, nominated for appointment as major general.

TO BE ASSISTANT TO THE QUARTERMASTER GENERAL, WITH THE RANK OF BRIGADIER GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE

Col. Augustus Bennett Warfield, Quartermaster Corps, vice Brig. Gen. Henry Gibbins, assistant to the Quartermaster General, nominated for appointment as Quartermaster General.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES
GENERAL OFFICER

To be Major General, National Guard of the United States
Maj. Gen. Dudley Jackson Hard, Ohio National Guard.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30 (legislative day of Jan. 16), 1936

NATIONAL BOARD OF MEDIATION

James W. Carmalt, to be a member of the National Mediation Board.

FEDERAL RESERVE SYSTEM

MEMBER OF THE BOARD OF GOVERNORS

Ralph W. Morrison to be a member of the Board of Governors of the Federal Reserve System.

Marriner S. Eccles to be a member of the Board of Governors of the Federal Reserve System.

Ronald Ransom, to be a member of the Board of Governors of the Federal Reserve System.

John McKee, to be a member of the Board of Governors of the Federal Reserve System.

M. S. Szymczak, to be a member of the Board of Governors of the Federal Reserve System.

Joseph A. Broderick, to be a member of the Board of Governors of the Federal Reserve System.

UNITED STATES DISTRICT JUDGE

T. Whitfield Davidson to be United States district judge, northern district of Texas.

UNITED STATES ATTORNEY

John J. Quinn to be United States attorney, district of New Jersey.

CHIEF OF THE NATIONAL GUARD BUREAU

Albert Hazen Blanding to be Chief of the National Guard Bureau of the War Department, with the rank of major general.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Lt. Col. Russell Brown Patterson to Adjutant General's Department.

Maj. Harry Russell Evans to Quartermaster Corps.

Second Lt. William Jack Holzapfel, Jr., to Corps of Engineers.

Second Lt. Nathaniel Macon Martin to Corps of Engineers.

Capt. Robert Kelsey Haskell to Ordnance Department.

Second Lt. Marshall Bonner to Air Corps.

PROMOTIONS IN THE REGULAR ARMY

Louis Felix Williams to be first lieutenant, Medical Administrative Corps.

Frank Randle Day to be first lieutenant, Medical Administrative Corps.

PROMOTIONS IN THE NAVY

TO BE REAR ADMIRALS

George J. Meyers

Edward J. Marquart

Gilbert J. Rowcliff

TO BE CAPTAINS

Richard B. Coffman

Richmond K. Turner

Alexander M. Charlton

Henry F. D. Davis

Oscar Smith

Herbert A. Jones

Henry T. Markland

Abel T. Bidwell

TO BE COMMANDERS

Robert A. Dyer, 3d

Paul W. Fletcher

James E. Boak

Francis K. O'Brien

Karl R. Shears

Robert C. Starkey

Robert P. Luker

Oliver O. Kessing

John H. Brown, Jr.

Ralph G. Pennoyer

Arthur C. Davis

Arthur D. Struble

Louis R. Moore

Edward E. Hazlett, Jr.

Scott Umsted

Powell M. Rhea

Hubert E. Paddock

Theodore E. Chandler

William S. Popham

Walter W. Webster

Garland Fulton

Samuel J. Zeigler, Jr.

Ernest M. Pace, Jr.

Donald Royce

William Nelson

Frederick W. Pennoyer, Jr.

TO BE LIEUTENANT COMMANDERS

William H. Galbraith
Robert Bolton, Jr.
Herbert G. Hopwood
Frederick W. McMahon
Carroll L. Tyler
Harold C. Fitz
Paul R. Heineman
Drayton Harrison
Maurice E. Curtis
Jennings B. Dow
Samuel H. Arthur, an additional number in grade
Paul W. Steinhagen
Maurice E. Hatch
Forrest M. O'Leary
Charles B. McVay, 3d
Charles F. Grisham
William L. Peterson
Harry F. Carlson
James E. Dyer
Steven W. Callaway
William M. McDade
James J. McGlynn
Russell C. Bartman
Clarence V. Lee
Mead S. Pearson
Clarence F. Swanson
James B. Donnelly
Robert Holmes Smith
Thomas B. Brittain
John E. Whelchel
Winfield S. Cunningham
Oscar A. Weller
Roy W. M. Graham
William G. Tomlinson
Maurice E. Browder
Martin J. Gillan, Jr.
Edmond P. Speight
Charles D. Edmunds
Willard M. Downes

Elmer S. Stoker
Neill D. Brantly
Thomas J. Bay
Albert McL. Wright
William B. Goggins
Earl LeR. Sackett
Felix L. Johnson
Marcy M. Dupre, Jr.
Marion E. Crist
Benton W. Decker
Warner W. Angerer
Edward E. Pare
Richard S. Morse
Robert D. Threshie
John Perry
Felix L. Baker
Oberlin C. Laird
Thomas S. Combs
Leo B. Schulten
Lewis Corman
Hugh E. Haven
Robert E. Melling
Robert E. Robinson, Jr.
Delmar S. Fahrney
John B. Longstaff
Henry R. Oster
Lawrence B. Richardson
James R. Allen
Charles A. Nicholson, 2d
Ralph S. Barnaby
Raymond D. MacCart
Walter S. Diehl
Lucien M. Grant
George V. Whittle
Roland G. Mayer
Cornelius V. S. Knox
Karl Schmidt
Lloyd Harrison
Lisle J. Maxson
Calvin M. Bolster

TO BE LIEUTENANTS

Willis A. Lent
Thomas C. Thomas
Franklin W. Slaven
Terrence R. Cowie
James M. Miller
George E. Fee
Douglas E. Smith
Francis R. Stolz
Charles A. Bond
Richard W. Reither
Jesse C. Sowell
Herbert P. Rice
Edward L. Schleif
William O. Gallery
Thomas Burrowes
Donald C. Varian
Carleton C. Hoffner
Lee F. Sugnet
Charles S. Weeks
Kenneth C. Hurd
William L. Wright
Warren W. Johnson
Rex S. Caldwell
William L. Turney
James H. Carrington
Malcolm D. Sylvester
Albert E. Jarrell
Howard T. Orville
Oliver F. Naquin
James D. Taylor, 3d
William L. Benson
Waldeman N. Christensen

Hunter Wood, Jr.
Roland B. Vanasse
William R. Headden
Barton E. Bacon, Jr.
Watson T. Singer
Paul C. Crosley
Edward L. Beck
George A. Leahey, Jr.
Raymond R. Lyons
William A. New
William H. Truesdell
Richard Davis, Jr.
William H. Standley, Jr.
Frank P. Tibbitts
Fremont B. Eggers
John S. Chitwood
Fred R. Stickney
Harold H. Pickens
Reuben T. Thornton, Jr.
Walter S. Mayer, Jr.
Julian B. Jordan
Warren P. Mowatt
James O. Banks, Jr.
Carter A. Printup
George F. O'Keefe
Herman E. Schieke
Cecil L. Blackwell
Theodore Wolcott
Carroll D. Reynolds
Aubrey B. Leggett
Bennett W. Wright
Samuel D. Simpson

William G. Beecher, Jr.
Walter B. Davidson
Tillett S. Daniel
Joseph M. Carson
Reginald C. Johnson
Austin C. Behan
Harold F. Dearth
William S. Howard, Jr.
Hamilton L. Stone
John B. Brown
Joseph H. Nevins, Jr.
Thomas C. Parker
Harry B. Heneberger
Max H. Bailey
Clarence E. Gregerson
Elijah W. Irish
Burton L. Doggett
Harrell W. Hall
Joseph W. Adams, Jr.
Hugh J. Martin
Harold B. Edgar
Neville L. McDowell
Edward F. Gallagher
Joseph M. Worthington
Edward N. Parker
Stanley P. Moseley
Edward K. Walker
Robert E. Cronin
Cecil B. Gill

Eugene E. Paro
Bruce D. Kelley
Carlyle L. Helber
Nicholas A. Drain
Alden R. Sanborn
John B. Pearson, Jr.
Robert S. Hatcher
Edward W. Clexton
Franklin D. Karns, Jr.
Morton C. Mumma, Jr.
Anthony L. Rorschach
Chester C. Smith
George C. Wright
David M. Tyree
Jackson S. Champlin
Clarence C. Ray
Clarence E. Haugen
Wilfred B. Goulett
Lewis S. Parks
Harman B. Bell, Jr.
Harold C. Pound
Roger B. Nickerson
Merle Van Metre
Cameron Briggs
William L. Messmer
Clement R. Criddle
William J. O'Brien
Frederick N. Kivette

TO BE LIEUTENANTS (JUNIOR GRADE)

Edwin W. Hurst
Charles M. Keyes
Chauncey S. Willard
William E. Townsend
Gordon W. Underwood
Anthony H. Dropp
Paul H. Harrington
Richard V. Gregory
Alfred L. Cope
Charles J. Odend'hal, Jr.
William T. Zink, Jr.
Richard H. Blair
William A. Thorn
William Outerson
John D. Andrew
William E. Kenna
George P. Rogers
Frank D. Latta
Charles S. Hutchings
Daniel C. Goodman
Lawrence W. Smythe
Charles K. Mallory, Jr.
Francis E. Nuessle
George M. Ottinger
Frederick Wolsieffer
John P. Lunger
Brooks J. Harral

Edmond G. Konrad
Martin M. Kolvisto
George L. Hutchinson
John A. Moore
John J. McCormick
Fred Connaway
James A. Flenniken
George S. James, Jr.
Everett L. Phares
Joseph F. Witherow, Jr.
John D. Lamade
David H. McDonald
Louis W. Mang
William J. Catlett, Jr.
Robert E. Goodgame, Jr.
Lloyd H. McAlpine
William J. Widhelm
Clifford A. Johnson
John O. Speer
Lloyd W. Parrish
Jack A. Binns
John D. Shea
Charles E. Perkins
Harry E. Townsend
Charles H. Everett, Jr.
Philip D. Quirk
Samuel A. McCornock

TO BE ENSIGNS

John F. Mooney, Jr.
Henry H. Strozier
Kerfoot B. Smith
Francis R. Drake
Seth S. Searcy, Jr.
William B. Porter
Clarence M. White, Jr.
Ned J. Wentz

Russell Kefauver
James L. Jordan
Charles H. Keyser
Philip K. Sherman, Jr.
William C. P. Bellinger, Jr.
Carl G. Drescher
Glenn L. Dunagan
Earnest G. Campbell

TO BE MEDICAL DIRECTORS

John M. Brister
Clyde B. Camerer
Joseph J. A. McMullin

TO BE MEDICAL INSPECTORS

Brython P. Davis
Percy W. Dreifus

Albin L. Lindall
William T. Lineberry

Benjamin F. Norwood
Eben E. Smith
Edwin D. McMorries
Walter J. Pennell
Guy B. McArthur
John G. Powell

Raymond B. Storch
Otto W. Grisier
George D. Thompson
Claude R. Riney
Robert E. S. Kelley
Lewis G. Jordan

TO BE DENTAL SURGEONS

Clark E. Morrow
Harold A. Daniels

TO BE ASSISTANT DENTAL SURGEONS

Wilbur N. Van Zile
Stanley W. Smith
Alfred F. White
Joseph W. Campbell

James L. Townsend
James J. Dempsey
Joseph L. Parker

TO BE PAY DIRECTOR

Duette W. Rose

TO BE PASSED ASSISTANT PAYMASTERS

John K. Lynch
George W. Bauernschmidt
Austin S. Keeth
Walter E. Gist
Malcolm W. Pemberton
Ralph J. Arnold
John J. Jecklin

Julian J. Levasseur
Joseph E. Wolowsky
James B. Ricketts
Francis M. Hook
James J. Cunningham
James R. Hanna

TO BE ASSISTANT PAYMASTERS

Charles J. Naumilket
Yates Stirling, 3d
William A. Gerth
Walter E. Fratzke
John C. Bernet
William L. Knickerbocker
Byron C. Gwinn
Donald S. Gordon
Walter N. Gray
Allan McL. Gray
Milton C. Dickinson
Albert P. Kohlhas, Jr.
Jack Agnew
Lee DeV. Boyle
Hiram W. Spence
Carlos M. Charneco
Albert Konigsberg
Hugh C. Haynsworth, Jr.
George W. Foott, Jr.

Jesse S. McAfee
Charles R. Almgren
Carl A. Lizberg
John F. Castree
Bryant A. Chandler
John W. Crumppacker
John F. Just
Robert M. Bowstrom
Sidney A. Ernst
Hugh L. Hendrick, Jr.
George C. Hunter
Thomas J. Montgomery
Ralph M. Humes
John C. DeWitt, Jr.
Lawrence Smith
Carl F. Faires, Jr.
J. Harry Hayes
Frederick O. Vaughan

TO BE CHAPLAIN

Thomas F. Regan

TO BE NAVAL CONSTRUCTORS

Alva B. Court
Lew M. Atkins

Philip G. Lauman
Ralph T. Hanson

TO BE CHIEF ELECTRICIANS

William J. McPhee
Elwood L. Knaus

TO BE CHIEF RADIO ELECTRICIAN

Clifton Evans, Jr.

TO BE CHIEF MACHINISTS

Daniel Osburg
Edward H. Brady
Clarence L. Price

TO BE CHIEF CARPENTER

Joseph T. Zumsteg

TO BE CHIEF PAY CLERKS

Ollie Z. Whitt
Inman F. Elliott

POSTMASTERS

ALABAMA

Albert H. Thompson, Rockford.

CALIFORNIA

Walter L. Haley, Associated.
Percy W. Helena, Los Altos.
John H. Canning, Oxnard.

FLORIDA

Avie L. Hansford, Altha.
Douglass G. Perry, Avon Park.
James A. Chadwick, Gainesville.
John F. Yearty, Gulf Hammock.
Chauncey Smith Daniel, Tavares.

HAWAII

Arthur W. Carlson, Lanai City.
Virginia S. Mathias, Waiakoa.

IOWA

Kenneth F. Baldrige, Bloomfield.
Wilford S. Smiley, Grinnell.
Nelle Cullen, Sioux Rapids.

MINNESOTA

Lloyd A. Ahles, Albany.
Lindley B. Hanna, Austin.
Edward E. Vig, Belgrade.
Alfred Erickson, Bronson.
Arthur Elmer Imsdahl, Brooten.
Bertha H. Anderson, Byron.
Lucy M. Berczyk, Clarissa.
Olger B. Weibye, Eagle Bend.
Herman Ten Cate, Edgerton.
Virgia Poole, Effie.
Norman O. Nelson, Fertile.
Herman Frajola, Gilbert.
Sam Bogen, Hendricks.
LeRoy S. Burnett, Hewitt.
Oscar A. Olson, Keewatin.
Catherine G. T. Lydon, Kellogg.
Herman H. Krenzke, Lewiston.
Charles Mechura, Lonsdale.
Jacob Egernan, Melrose.
John R. Coan, Minneapolis.
Russell C. Mills, Montevideo.
Rudolph S. Viitala, Mountain Iron.
John C. Christensen, Ruthton.
Philip A. Weis, Sartell.
William R. Kleven, Sebeka.
George W. Phares, Sturgeon Lake.
Alvi Hanord Auenson, Ulen.
Elmer E. Swenson, Warren.
Burt Mason, Warroad.
Josephine D. Smith, Wayzata.

MISSOURI

Emmett H. Bond, Osceola.

OKLAHOMA

James R. Hankla, Geary.
Tip J. Hammons, Hammon.
James M. Crabtree, Weatherford.

PUERTO RICO

Juan D. Rivera, Coamo.

SOUTH CAROLINA

Robert W. Evans, Cameron.
George Allard Douglass, Whitmire.

SOUTH DAKOTA

Grace M. McGillivray, Garden City.
George Kremer, Lesterville.

WEST VIRGINIA

James A. Rowan, Kingston.
Hugh V. Burt, Mannington.

WYOMING

Alvah J. Macy, Moorcroft.
Mayme A. Jackson, Osage.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 30, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Ever blessed Lord God, our Heavenly Father, we praise Thee for the abiding realities which are shown forth in Thy loving and ever-living providence; we therefore trust Thy perfect government and Thy glorious purpose. We ask Thee to manifest Thyself today by blessing us with grace and self-possession. These will sustain us in the severest trials and hold us from being swayed by vain and inordinate desire. We pray Thee to make us wise in our conceptions, firm in our convictions; grant that the purest instincts of our being may find full fruition in obedience to Thy holy laws. As we journey on through life's rugged way, may we glorify Thee in a faithful service to our fellow men. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On January 21, 1936:

H. R. 1550. An act for the relief of Douglas B. Espy; and

H. R. 4799. An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931.

On January 24, 1936:

H. R. 1299. An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Cherokee Fuel Co.; and

H. R. 4436. An act conferring jurisdiction upon the United States District Court for the Western District of Washington to hear, determine, and render judgment upon the claims of Alta Melvin and Tommy Melvin.

On January 27, 1936:

H. R. 6137. An act for the relief of the Otto Misch Co.

COMMITTEE ON MILITARY AFFAIRS

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may have permission to sit during the session of the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CARPENTER. Mr. Speaker, I ask unanimous consent to address the House for 6 minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, permit me to say that during the last 3 days I have yielded time to 30 Members on this side of the House, who have made speeches; and about as many Members on the other side have made speeches. Besides that, 38 other Members obtained permission to extend their remarks in the RECORD. A hundred Members have got speeches in the RECORD during the last 3 days, and out of them all only two men even briefly referred to the bill that is before the House. If we are to conclude the Interior Department bill this week we have got to commence on it now, and even then we may have to sit on Saturday. I am in hopes we may adjourn over Saturday, but we absolutely must commence reading this bill if we are to pass it this week. The Treasury and Post Office appropriation bill is ready to be taken up next Monday. This is not the last opportunity there will be to make speeches. There will be ample time for additional general debate next week, and

the additional Members now desiring to speak can then be accommodated. I feel I must object to any further requests to address the House today, and confine discussion to the bill itself, and thereafter consider the bill under the 5-minute rule.

Mr. CARPENTER. I merely ask the gentleman to withhold his objection for 6 minutes.

Mr. TAYLOR of Colorado. Four or five other Members will insist upon addressing the House this morning if I make an exception in the gentleman's case.

Mr. DUNN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield.

Mr. DUNN of Mississippi. The gentleman has no objection, of course, to Members asking permission to revise and extend their remarks?

Mr. TAYLOR of Colorado. Not at all; I have no objection to that; but when it comes to taking up more time on general debate after we have had 100 speeches in the last 3 days, I feel that the limit has been reached and that we should confine our discussion to this Interior Department appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. TAYLOR of Colorado. Mr. Speaker, I object.

GREAT DEMAND AND NEED FOR EXTENSION OF TITLE I, FEDERAL HOUSING ACT, ONE OF MOST SUCCESSFUL RECOVERY MEASURES

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOUSTON. Mr. Speaker, under the terms of the National Housing Act of June 1934, that portion of the statute known as title I expires on April 1, 1936. That is, that part of the act which authorizes the issuance of insurance for loans made for modernization purposes will cease on and after that date.

The act as originally passed placed the limitation of the life of this provision on January 1 of this year, and the amendment of May 28, 1935, extended the time to April 1, 1936.

By the terms of section 2 of the act the Administrator is authorized and empowered upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, which are approved by him as eligible for credit insurance, against losses which they may sustain as a result of loans, advances, and purchase of obligations representing loans and advances of credit, made by them subsequent to the date of enactment of this act and prior to April 1, 1936, or such earlier date as the President may fix by proclamation, for the purpose of financing alterations, repairs, and improvements upon real property, and the purchase and installation of equipment and machinery on real property.

It was further provided that in no case shall insurance granted by the Administrator under this section to any such financial institution exceed 20 percent of the total amount of the loans, advances of credit, and purchases made by such financial institutions for such purposes; and the total liability incurred by the Administrator for such insurance shall in no case exceed in the aggregate \$200,000,000.

When the act was amended it was further provided that no insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, first, unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions as the Administrator shall prescribe; and, second, unless the amount of such loan, advance of credit, or purchase is not in excess of \$2,000, except that in the case of any such loan, advance of credit, or purchase made for the purpose of such financing with respect to real property improved by or to be converted into apartment or multiple

family houses, hotels, office, business, or other commercial buildings, hospitals, orphanages, colleges, schools, or manufacturing or industrial plants, such insurance may be granted if the amount of the loan, advance of credit, or purchase is not in excess of \$50,000.

Under the authorization and empowerment of the act the Administrator has set up certain rules and regulations governing the issuance of insurance of notes held by financial institutions representing loans they have made for modernization purposes. In August of 1934, immediately after the plan had been placed in effect, the total of the insured notes amounted to a little more than a quarter of a million dollars—\$251,595, to be exact. In September of that year the total increased by more than \$3,000,000, reaching the sum of \$3,274,425. During the next month—October—this was nearly tripled. In the spring of last year there began a very pronounced increase in the volume of insured notes, showing the extent to which advantage was taken of this measure for home improvement and modernization, and for the equipment of commercial buildings and industrial plants, as its provisions became known.

In April of last year it had reached more than \$11,000,000, and it jumped more than \$3,000,000 to \$14,415,746 in May. Since then its increase has been marked and steady, the peak being more than \$31,000,000 in November of last year, and there was an average in excess of \$29,000,000 for the last 4 months of 1935, until the total to and including January 4, 1936, was \$257,371,682, or more than a quarter of a billion dollars. More than \$225,000,000 of this amount represented the volume of business insured during the year 1935 under the provisions of title I of the National Housing Act. This is exclusive of a sum, slightly larger, representing the insurance of loans under title II, so that the aggregate of the insured business of the Federal Housing Administration to January 4, 1936, is in excess of \$517,000,000.

As of December 31, 1935, in Kansas, there were 4,309 modernization and repair notes insured under title I. Under title II, as of December 31, 1935, there were 2,293 Kansas mortgages selected for appraisal, with fees paid, in the amount of \$5,783,907. The 4,309 modernization and repair notes insured under title I in my State amounted to \$1,312,187.

There is no time limitation upon the provisions of title II, which covers the insurance of mortgage loans upon real property, but there is a limitation of \$2,000,000,000 in amount. This does not include the limitation of \$200,000,000 of liability on modernization insurance under title I. Thus, under the provisions of the law as it now stands, with slightly more than a quarter of a billion of dollars of insured modernization notes, the total amount of Government liability is only a little more than \$50,000,000, whereas the law fixes the limitation at two hundred million. Losses on insured loans have been negligible, only about thirteen one-hundredths of 1 percent, as a matter of fact, of the amount of the insured loans. You can readily see that the Government has been called upon for practically nothing under this liability. Mr. Speaker, this bespeaks the care and discretion with which these loans made by private financial institutions are insured. It has been the means of giving confidence to lending institutions that these loans, which are, in fact, character loans, would be secure and that their money advanced for the modernization and repair and improvement would be repaid.

The result is reflected in the manner in which this business has grown during the past 6 months as the knowledge of the advantages of the Federal Housing Administration's program has been disseminated among the people. It may be said to be fairly hitting its stride which, there is every reason to believe, will be maintained during the coming months of the spring season. The amount of needed modernization, repairs, and improvements to the homes of American citizens to bring them up to what we term American standards, runs into many billions of dollars, according to a survey made a little more than a year ago. A part of

this is being done without insurance, under the stimulus given to such undertakings by the activities of the Federal Housing Administration.

In more than 8,000 communities throughout the United States volunteer better-housing committees have been established through the aid and with the cooperation of the Federal Housing Administration, and these committees have acted to instill into the minds of home owners the necessity and desirability of home modernization and improvement. The amount has far exceeded a billion of dollars in work done and contracted for. This means that this vast sum of money has been placed in the channels of trade and industry for durable goods and the re-employment of tens of thousands of workers in the building and allied trades industries. It means that men and women have been taken off the relief rolls and placed on pay rolls.

In addition to the home modernization activities, vast improvements have also been made in commercial buildings, such as hospitals and so forth. This legislation has been the means of improving and increasing more kinds of businesses than one would imagine. Mr. H. G. Fischer, president of the H. G. Fischer & Co., Inc., Chicago, manufacturers of surgical and medical equipment, reports that Title I of the Federal Housing Act has been most beneficial in many ways to his corporation, the 300 families connected with the corporation, and their numerous customers. It has enabled them to enlarge their factory and office force and to increase the earnings of the members of their force by substantial bonuses based upon salaries or wages received.

Their salesmen have earned more commissions on account of the increased volume of sales they have enjoyed. It has enabled the users of the surgical and medical equipment—those engaged in the relief of human suffering—to purchase necessary modern, result-producing equipment at substantially lower finance or carrying charges than have heretofore been available, on terms more commensurate with their ability to pay and on a basis which largely enabled them to make their payments out of their increased income. This has enabled the customers of this manufacturing firm to not only serve their suffering patients more effectively, but to increase their own earnings. The benefits derived from title I of the Federal Housing Act will enable the H. G. Fischer & Co., as well as many, many other manufacturing firms in all lines of equipment, to remit to the Government a much larger amount in the form of income taxes.

It is highly desirable that this effort should be continued—that it should not lapse on April 1, when there is vast opportunity for this character of construction during the summer season. Its continuation means still further opening up of opportunity for idle capital for profitable and safe investment, and it means the improvement, repair, and modernization of American homes, increasing their real and substantial worth, as well as the comfort, convenience, and well-being of those who own them. Moreover, it means a continuance of employment for the workers, not only who supply materials, but for those who actually perform the labor of construction.

The trade publication *Domestic Engineering* (1900 Prairie Ave., Chicago), in its November 1935 issue, began a campaign to unite all business publications in the building industry back of a concerted movement for continuance of title I after April 1, 1936. Letters were sent editors and publishers of trade publications. Excerpts from their replies, as published in the November and December issues of *Domestic Engineering*, include:

Samuel O. Dunn, president, *American Builder & Building Age*.—"The program has undoubtedly done a great deal to improve conditions in the building industry and has been a stimulus to much-needed private construction and repairs."

F. P. Keeney, president, *American Artisan & Heating, Piping & Air Conditioning*.—"We believe that F. H. A. is one of the soundest measures advanced by the present administration to stimulate business."

A. L. Ford, managing editor, *The American Lumberman*.—"We believe it has been a real factor in increasing employ-

ment in the building trades, in creating business for manufacturers and dealers. We certainly are in favor of the continuance of the F. H. A."

Edwin A. Scott, president, Sheet Metal Worker.—" * * * Nothing should be left undone to promote the continuance of F. H. A. beyond April 1."

S. B. Williams, editor, Electrical Contracting.—"With new residential construction just opening up, it would be a mistake for F. H. A. to be abandoned."

Bertram Caddle, director, Copper and Brass Research Association, is quoted in the New York Journal of Commerce on December 18 as saying:

If title I is continued, the small home owner, through increasing confidence, will be a forceful factor in causing * * * a home-building and rehabilitation activity which has never been experienced before.

A. R. Herske, vice president and general manager of sales, American Radiator Co., is quoted in the Washington Star (Nov. 16, 1935) as saying that—

The continuation of F. H. A. beyond April 1 is without doubt most necessary if the construction industry is to contribute through its activities to any recurrence of what we formerly called prosperity.

An editorial in the American Builder and Building Age, in its December issue, under the caption of Two Years More at Least, says:

Not only every building industry man, but every business man in any line should join the campaign to extend the provisions of title I * * * another 2 years.

The editorial says further that modernization in the past year and a half has been 75 percent talk and that in 1936 and 1937 it will become 75 percent orders and action, and declares the low-cost installment financing under F. H. A. regulations are "essential" to this program.

The American Roofer, in its December 1935 issue, editorially declares it seems "foolhardy" to scrap a program which has proven "so vastly beneficial", and just when it is "getting into stride."

Following is a list of some of the other leaders of building and allied industries who have endorsed the effort for a continuance of title I of the Federal Housing Act beyond April 1, 1936:

Frank Carnahan, secretary, National Retail Lumber Dealers Association.

H. M. Reed, president, Standard Sanitary Manufacturing Co., Pittsburgh.

Don D. Smith, sales director, plumbing division, Briggs Manufacturing Co., Detroit.

Herman W. Steinkraus, vice president, Bridgeport Brass Co., Bridgeport, Conn.

C. H. Hall, assistant manager, Johns-Manville.

W. A. Scherff, manager, oil furnace sales, General Electric Air-Conditioning Department.

Wm. C. Groeniger, president, American Society of Sanitary Engineering.

Howard Myers, editor, The Architectural Forum.

L. E. Moffatt, editor, Electrical Merchandising.

Leod D. Becker, publisher, Fuel Oil.

C. H. B. Hotchkiss, editor, Heating and Ventilating.

Howard H. Bede of National Real Estate Journal.

Kenneth Reid, managing editor, Pencil Points.

Findley M. Torrence, editor, Wood Construction.

Mat H. Friedman, merchandising director, National Sheet Metal Contractor.

Henry S. Rosenthal, editor, American Building Association News.

Contractors, real-estate operators, carpenters, painters, home builders, architects, millmen, engineers, salesmen, floor layers, material dealers, and so forth, are unanimous in their acclaim of the benefits that have been derived from this legislation.

Mr. Speaker, the building and construction industries and those that are allied with them represent the second largest number of industrial workers in the country, being exceeded only by those engaged in the agricultural industry. That these industries are overwhelmingly in favor of advancing the time limit on the provisions of this act is shown by the demand they are making upon Congress for extension. They are militant in their activities in this respect. The increased business that has been created by this worthy effort, amounting to hundreds of millions of dollars, has afforded employ-

ment directly and indirectly to such a large number of people as to have caused other necessary National and State expenditures to be decreased. This has brought about the net result that the insured modernization loans of the Federal Housing Administration have, in the final analysis, not cost the taxpayer anything but have actually been a means of saving him large sums. Certainly, if there is anything that deserves our consideration, it is legislation of this nature, which provides such a great amount of business without the spending of vast sums of Government money.

SOCIAL-SECURITY BILL

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to insert in the Record at this point two short letters written by myself, one to my colleague the gentleman from California [Mr. McGROARTY], and the other to Mr. R. E. Clements, secretary of the national Townsend organization, being the only letters written by me to persons of national authority in the Townsend movement.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The letters referred to follow:

LETTER TO REPRESENTATIVE JOHN S. MCGROARTY

WASHINGTON, D. C., April 9, 1935.

HON. JOHN S. MCGROARTY,

Member of Congress, Washington, D. C.

MY DEAR MR. MCGROARTY: I have your letter of April 4 regarding the pending social-security bill and your new Townsend plan bill.

The bill reported out by the Ways and Means Committee will, as you say, prove a serious disappointment to all sincere advocates of security for old age. We should unite to vote down a gag rule on the bill and amend it.

Your new old-age-pension bill has been very carefully read and analyzed by me, and I consider it a great improvement over the original bill. It is clearly drafted. It presents a plan. I don't see how a bill could be more clear and simple in its language. Your speech in the House on April 1 was an admirable appeal for its consideration.

I approve the change, cutting out persons having an income of more than \$2,400 per year and deducting from the pension the amount of income earned under \$2,400 per year. This will lighten the burden of the bill and these benefits can go to the millions who have no income whatever.

Another material change is that your new bill does not require the Government to pay a pension of \$200 per month, but instead gives the pensioner his or her pro rata of the tax collected up to \$200. This change, however, raises a question which must be considered with great care. The question is, that since pensioners will only get their pro rata of the tax collected, it may result in uncertainty as to just what the pension will be from month to month. Whatever the pension is, it ought to be fixed and certain.

The only feature of the bill I fear is the burden of taxation. Even a pension of \$50 per month paid to 8,000,000 people would involve new taxes of nearly \$5,000,000,000 per annum. In the Seventy-third Congress the Senate put an amendment in the revenue bill adding 10 percent to income taxes, just as your new bill proposes. The House voted it out. I voted for it. But the statistics showed that it would only add about \$55,000,000 of revenue. I would say that it would be a liberal estimate if we got \$100,000,000 from the increased income tax and the 2-percent levy on inheritance and gift taxes, in your bill. Therefore, nearly all of the tax burden would fall upon sales and services.

The real question is not whether I am in favor of your bill but whether I can stand up for a plan of taxation sufficient to finance it and get the backing of the people who will have to pay the tax.

I wish I could be assured that my people, when they know just what it will be, would back me up in voting a tax of \$5,000,000,000 a year. I am for the most liberal pension we can finance. I would like to see your bill brought out on the floor and thoroughly considered. I stand ready to help you get this done.

As you know, I helped get Dr. Townsend the use of the caucus room for the meeting at which he presented his plan, and I also signed the petition to take your first bill from the Ways and Means Committee and place it on the House Calendar.

I am taking the liberty of mailing a copy of this letter to several hundred of my constituents who have written me concerning the original bill.

With my kindest regards, I am,
Very truly yours,

JOHN A. MARTIN, M. C.

LETTER TO R. E. CLEMENTS, NATIONAL HEADQUARTERS, OARP

PUEBLO, COLO., December 13, 1935.

MR. R. E. CLEMENTS,

National Headquarters, OARP,

Southern Building, Washington, D. C.

MY DEAR MR. CLEMENTS: I have your letter of December 3 regarding Townsend plan legislation.

I voted for the McGroarty bill, and have stated here in public meetings that I would do so again. I also signed the discharge petition on the second Townsend bill.

The first question—Are you in favor of the Townsend plan?—calls for more than a "yes" or "no" answer.

The first bill, H. R. 3977, was recognized by those in charge of it to be inadequate and in some material respects impracticable, and was superseded by H. R. 7154, which was a very great improvement.

The so-called McGroarty amendment, which was voted on in the House as a substitute for title 1 of the social-security bill, was in the nature of additional amendments to H. R. 7154. In my judgment these amendments still further improved the bill, but I think the debate indicated that it needed further revision. I think the bill ought to be placed in the hands of one or more highly competent attorneys aided by economic and tax experts and further revised.

That question of the chain stores escaping most of the transaction taxes, which would fall on the independents, will require very thorough consideration. The chain-store system could be quickly copied generally. It is known that the intermediaries in the holding-company structure can be taxed out of existence; that is, the system would dispense with them rather than pay the tax.

I am asked repeatedly if I am in favor of the Townsend plan by people whom I don't believe know what the Townsend plan is. If they think it is a mere matter of going to the bank and getting \$200 the 1st of every month, and ultimately learn, as they must, that it is a matter of levying and collecting the tax and prorating the proceeds, which may be far less, they may be no better satisfied in the long run with their leaders than they are now with their Congressmen.

The plan is very simple. It is a matter of levying a certain tax and distributing it to a certain well-defined class of people. The question is, How much can be raised by the tax? I am for all the pension that can be financed.

I hope to see you sometime this winter. I want to talk over some aspects of the Townsend movement in Colorado which has made it look to me like a Republican-controlled movement. I notice Dr. Townsend declares for a third party. I doubt whether this will be relished by this other movement which is hoping to elect Republican Congressmen from Colorado. My voting for the McGroarty amendment would not help me with these people. In fact, they have gone around to public meetings and said I voted against it when they knew to the contrary. The Republican Party is not even in favor of the very limited social-security bill, to say nothing of the Townsend plan.

No doubt the group which voted for the McGroarty amendment will confer at Washington.

Very truly yours,

JOHN A. MARTIN, *Member of Congress.*

HON. SMITH W. PURDUM, FOURTH ASSISTANT POSTMASTER GENERAL—A TRIBUTE TO AN EXECUTIVE IN THE POST OFFICE DEPARTMENT OF THE UNITED STATES

Mr. DUNN of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a personal tribute to the Fourth Assistant Postmaster General, Hon. Smith W. Purdum.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DUNN of Mississippi. Mr. Speaker, of all the virtues possessed by mortal man I think the greatest of these are true devotion to duty and undying loyalty, which, of course, should include one's work in life, his friends, family, and party faith. These admirable characteristics are exemplified by no one any better and more plainly than they are by Hon. Smith W. Purdum, Fourth Assistant Postmaster General, a grand gentleman and one whom I am proud to call my friend. His very presence lends dignity and confidence to any situation, and upon meeting him for the first time one is immediately impressed by the genuine sincerity and humanness of the man. Behind dark, quiet eyes rests the brain of an able executive, and in the bosom of the man beats the heart of a kind and gracious gentleman. These are the qualities that Smith Purdum unconsciously and unintentionally displays, not on certain occasions but at all times, regardless of whether the occasion is momentous or casual.

The life of this great man, and he has every attribute of greatness, reads like the fascinating novels that children the length and breadth of this land know intimately—the Horatio Alger, Jr., books, and the adventures of the characters which this author so ably presented were little different from the adventures in life of the Fourth Assistant Postmaster General of the United States.

The village of Darnestown, in Montgomery County, Md., welcomed a little stranger for the first time in 1877, and for many years Montgomery County felt the presence of the boy,

Smith Purdum. At the age of 21 he qualified himself for duty in the Postal Service as railway-mail clerk. His path was filled with the usual trials and tribulations that beset the path of young men trying desperately to make headway in our complicated scheme of things, plus many unusual ones which made his task all the harder. However, in spite of heart-breaking obstacles, he rose steadily in his chosen life's work and was appointed United States postal inspector before he was 30 years of age, a remarkable accomplishment then, and even now. When unusual and difficult assignments needed expert handling, it was always Smith Purdum who was called in for these special assignments, and he successfully continued in this capacity until the beginning of the World War, when he was given the signal honor of being appointed post-office inspector in charge of the Washington office. Among his duties in this connection, one of them was to safeguard and supervise the shipment of billions of dollars of Government securities, which were distributed to all parts of the country, and it is noteworthy that not one dollar's loss was ever recorded against the spotless record of this able executive during those difficult and trying times.

Smith Purdum's ability has long been recognized by the officials of the Post Office Department. However, because of his staunch party faith and affiliations, his true worth was not formally recognized until the beginning of the Democratic administration in 1933, at which time he was appointed Deputy Fourth Assistant Postmaster General, and the following year saw his promotion to Acting Fourth Assistant Postmaster General. His multitudinous duties include the supervision of the entire motor-vehicle service of the Department; supervision of all leases for Post Office and Federal buildings; he has full administration of 1,600 Federal buildings, as well as the equipment and supplies for these buildings; prepares all postal zoning and route maps; together with the shipping of all supplies used in the entire Postal Service in the United States.

It can be said truthfully and without prejudice, that General Purdum knows more about the administration and operation of the Postal Service than any other living man. As a matter of fact, our genial and most efficient Postmaster General Farley, upon appointing him as Fourth Assistant Postmaster General, had this to say:

Mr. Purdum has an unusually fine record of service in the Department. He is a man of the highest integrity and he possesses splendid executive ability. I am happy to give this much-deserved promotion to Mr. Purdum.

Devotion to duty obviously and ultimately has its own reward. Family and friends are the inspiration and serve as a guiding light. Loyalty, as well as party faith, oftentimes obstructs and slackens one's speed toward a chosen goal and dampens the ardor of all but the strongest. Success and the fulfillment of life's ideals cannot be kept from one inspired by such qualities, fostered and aided by the true devotion and faith of family and friends of one who first had faith in himself and who recognized the fact that victory is bound to come to him who rides under the banner of loyalty.

In my humility I am proud to salute a grand gentleman, a true friend, and an able executive—one who is small and yet so big; one who is meek, but never weak; one who loves and is loved in return, and may his memory in our heart ever burn.

The Government of the United States is fortunate in having such an executive in the greatest public-service organization in the world, and I congratulate the Postmaster General on having selected Smith Purdum as a general in the ranks of this mighty army of public servants.

NEW DEAL

Mr. FORD of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FORD of California. Mr. Speaker, those who view the New Deal with alarm because they see in it a frontal attack on privilege, an honest and determined effort to pro-

test the masses from exploitation and profiteering, and a determination to use every possible method in order to put all employable men and women to work, and to see that no one starves, are now charging this Democratic administration with having disregarded the party platform, drawn up and adopted in July 1932.

The charges come largely from the representatives of privilege and entrenched power who are determined to bring back to this country an administration that shall be servile to their wishes. Others making the attacks do so from personal ambition and the love of publicity.

The cry of "broken pledges" seems a good one to try on the people. It might be if our people could neither read nor reason. But to an intelligent electorate, such a cry is recognized as hot air, signifying nothing.

CRISIS INTELLIGENTLY MET

Let us look at the platform we Democrats are charged with having disregarded or violated. There are many planks in that platform. The first and second advocate a drastic curtailment of governmental expenditures and a balanced Budget. The national platforms of the two great parties regularly begin with two planks advocating a drastic curtailment of governmental expenditures and a balanced Budget. Those are sound planks, popular planks, drawn according to standard specifications. We all recognize their soundness. And we all know that only in times of depression, with the grave national emergency that confronted this country on March 4, 1933, there was an imperative need for enormous Government expenditures for relief and rehabilitation. Any administration that had dared to disregard that situation and to insist on retrenchment would have lost the confidence and the respect of every class of our citizens. We made an honest attempt to cut the recurring annual expenditures through the Economy Act, which was supported by both parties. Then we faced the situation and made appropriations for relief. And we entered upon a great program of useful and necessary public works—one which should have been started in 1929. Now, my friends, I wish you to take notice. The Democratic platform explicitly advocated both relief and public works and pledged the party to their support.

BANKING SYSTEM SAVED

Upon coming into office on March 4, 1933, the President found that the banks of the Nation had collapsed. All over the country banks had been failing; everywhere bank moratoriums were being declared. Panic was in the air; the people were in despair. With characteristic courage and promptitude the President declared a national bank moratorium. This prevented more failures and it stopped the panic. Just as rapidly as possible banks that were sound were reopened and the public was given Government assurance that funds deposited in them after their reopening would be safe. Those banks that were found to be temporarily embarrassed or worse were placed in the hands of conservators. With the aid of Government loans, these banks were rapidly rehabilitated and reopened. And just as soon as it was possible to frame a bill and pass it Congress guaranteed bank deposits. Was this in accordance with the Democratic platform? It was, as a specific plank in the platform advocated quicker methods of realizing on assets for the relief of depositors in closed banks and a more rigid supervision of national banks for the protection of depositors. Perhaps our critics will say we went beyond the specific recommendation of the platform when we guaranteed bank deposits. We did. And I, for one, am proud of it. But in doing this we were carrying out the spirit of the platform and of a particular plank of the platform. And we were doing it in the interest of the people.

Another measure put through in those early months was one divorcing commercial banks from investment banking, thus putting an end, until the Republican Party gets back to power—if it ever does—to the vicious and shameless exploitation of trusting depositors by the sale to them of securities in which the banks were themselves interested and from the sale of which they made huge and dishonest

profits. That, too, was in accordance with the platform. Look it up.

At that same special session of the Seventy-third Congress we redeemed those platform pledges which advocated the saving of farms and homes; the conservation, development, and use of the Nation's water power in the public interest; and in the N. I. R. A. we boldly put into law two planks—one advocating the spread of employment by a substantial reduction in the hours of labor and another advocating measures to prevent monopoly and unfair trade practices for the better protection of labor and the small producer and distributor. We took the most direct and effective way. It proved to be unconstitutional. We abandoned it.

In adopting the A. A. A. we were mindful of that plank which reads as follows:

Extension and development of farm cooperative movement and effective control of crop surpluses so that our farmers may have the full benefit of the domestic market.

And of the next, which advocates:

The enactment of every constitutional measure that will aid the farmers to receive for their basic farm commodities prices in excess of cost.

PUBLIC-WORKS PROMISE KEPT

In the second session of the Seventy-third Congress we made larger appropriations for public works and for relief in accordance with the platform; we passed a law empowering the President to make, under certain conditions and restrictions, reciprocal trade treaties, specifically advocated by the platform; and we continued our successful efforts to restore agriculture and thereby to restore business and employment throughout the Nation.

Two of the measures passed in the Seventy-third Congress that have been most bitterly criticized by those interests that think the public welfare is promoted by cheating and exploitation are the Securities Act of 1933 and the Securities and Exchange Act of 1934. And yet the platform specifically advocates both measures. The trouble with the disgruntled agents of the exploiters is that we did meticulously and honestly follow the platform instead of forgetting it and thus warding off the attacks now being prompted by Wall Street.

In November 1934 most Members of Congress went before the people and asked for their verdict on the New Deal. They endorsed it unmistakably and sent back to both branches of Congress a larger Democratic majority than before.

With this direct mandate of the people, we proceeded with our constructive and progressive program. Under the spirited and able leadership of our greatest liberal President, Franklin D. Roosevelt, we liberalized the Banking Act and brought the control of credit into the hands of an enlarged Federal Reserve Board appointed by the President and responsible to him and to Congress. We did not go far enough, but we went as far as the platform warranted and as public opinion approved. And we made permanent the guarantee of bank deposits.

EXPLOITERS CURTAILED

And then we deliberately redeemed a pledge of the platform that all who favor the exploitation of the many for the enrichment of the few; all who oppose just restraints on the predatory interests; and all reactionaries of every type and every party oppose and will continue to oppose with their last breath. That platform pledge reads thus:

We advocate regulation to the full extent of Federal power of holding companies which sell securities in interstate commerce.

And there, my friends, we got into trouble. For this threatened to put a stop to the biggest and most profitable and most outrageous and unconscionable racket this or any country has ever known. The holding company as it has developed in the United States and most especially in the utility field is a national disgrace. It has for its object unearned profits, resulting not from honest effort, but from dishonest methods protected by unjust laws. Through holding companies thousands of innocent investors have been cheated and ruined. Securities have been issued with little

or no value behind them and sold at high prices to widows and orphans, who were thereby ruined. I have not time today to go into this. It is not necessary, as every intelligent man in this House knows the facts. The Insull operations are typical of the worst practices. Unfortunately there are many other examples of fraud, corruption, and dishonor in utility holding companies.

We all knew that. We Democrats had plainly written the remedy in our platform. We passed the bill, in spite of the worst lobby that has ever attempted to thwart legislation in the interest of the people. And then every organization in the country dedicated to the continuation of fraudulent practices in business, dedicated to exploitation and profiteering, began the attack. That attack, my friends, has not subsided. It will not subside. Even after next November 3, when Franklin D. Roosevelt has been reelected by the largest majority ever given a Presidential candidate, it will not subside. For these piratical despoilers of the investing public and of the consuming public have taken for their slogan: "Rule or ruin." They will never rest until they again own and run the United States Government.

PLATFORM PLEDGES KEPT

I have shown that it is not true that this Democratic administration has failed to keep the solemn pledges of the platform. And I have indicated why the attack is made on the administration on that false charge. The opposition, Mr. Speaker, simply does not dare to face the facts and to attack us for the progressive measures we have passed in the interest of the people. It does not dare come out in the open and attack us, because we have kept our platform pledges and have striven, in the words of that platform, to maintain and promote "the continuous responsibility of government for human welfare."

We have seen that the main planks of our platform advocated relief and public works, rehabilitation of the banks for the protection of depositors, the divorcing of commercial and investment banking, the saving of farms and homes through Government loans, the development of the Nation's water power in the public interest, the shortening of the work day and week, the passage of measures to prevent unfair trade practices and to protect labor, the control of farm surpluses and the enactment of measures to promote fair prices for farm products, reciprocal trade treaties, protection of the investing public through a securities act, and the control of holding companies.

Every one of these pledges has been redeemed. And yet we are accused of having forgotten the platform. It is not we who have forgotten.

EXTENSION OF REMARKS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a letter received by me from a farmer in my district who writes about the Constitution.

Mr. RICH. Mr. Speaker, reserving the right to object, I may say to the membership of the House that requests from Members to publish in the RECORD something sent them by constituents are becoming more frequent. It is not my desire, nor am I attempting to withhold from the Members the opportunity to publish anything, but it is the desire of the Joint Committee on Printing to keep the CONGRESSIONAL RECORD a record of the proceedings of the House of Representatives. If Members do not read the letters to the House I do not think they should ask permission to insert them in the RECORD. I feel they should give some consideration to the fact that the CONGRESSIONAL RECORD is a record of the proceedings of the House of Representatives and not a bulletin for everybody in the United States.

Mr. DUNN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. DUNN of Mississippi. Does not the gentleman admit that he consumes just about as much, if not more, time as any three Members here in the matter of colloquy which has nothing to do with legislative affairs?

LXXX—80

Mr. RICH. Mr. Speaker, I have no objection to my friend, or any other Member of the House, speaking on any subject. All I am trying to do is to carry out my duty of protecting the character of the RECORD. I think, however, this is also the duty of all the Members of the House. If the gentleman would like the job, I would be happy to turn it over to him.

Mr. DUNN of Mississippi. No; the gentleman has that job; let him keep it.

The regular order was demanded.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Minnesota?

Mr. YOUNG. Mr. Speaker, I object.

A BIG NAVY PROVIDES LITTLE DEFENSE

Mr. WITHROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by my colleague from Wisconsin [Mr. BOILEAU] on January 23, 1936, at Washington, D. C., before a conference held under the auspices of the Women's National Committee on the Cause and Cure of War.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WITHROW. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by my colleague from Wisconsin, Hon. GERALD J. BOILEAU, before a conference held on January 23, 1936, at Washington, D. C., under the auspices of the Women's National Committee on the Cause and Cure of War:

Only a few years ago the principal nations of the world signed a solemn agreement known as the General Pact for the Renunciation of War, sometimes known as the Kellogg-Briand Peace Pact. The United States Senate ratified this agreement on January 15, 1929, and in doing so agreed with the other principal nations of the world that war should no longer be resorted to for the purpose of settling international disputes. Today the very life of that agreement is being threatened in many parts of the world. The United States Government took the initiative in bringing the nations together in this agreement and, consequently, has the responsibility of urging its compliance upon the world at large. This does not mean that we should resort to war to enforce the provisions of the treaty outlawing war, but it means that we should by our every action give evidence of our intention to refrain from war. We must prove to the world that we propose to perform our part of the agreement.

Some of the nations who joined with us in this solemn agreement have violated its provisions by resorting to armed conflict for the purpose of settling international disputes. Such conduct on their part, however, does not justify us in scrapping the treaty as though it no longer announced a sound and enlightened principle. On the other hand, the threat of its continued violations should urge us on to greater efforts in behalf of its preservation.

While it is our duty as one of the world powers to urge that the conduct of nations should be such as will result in continued world peace, our greatest obligation to ourselves and to the entire world is to take such action as will prevent us from becoming engaged in armed conflict. While we pray for world peace, we must let it be known definitely that should our prayers be unanswered, that we, at least, will not become involved in settling disputes by barbaric and uncivilized methods.

During the closing days of the last session, the Congress of the United States enacted a temporary law designed for the purpose of preserving our neutrality in the event that war should break out in any part of the world. We realize that our insistence upon our traditional demand for freedom of the seas was largely responsible for our having become involved in two wars. In our neutrality law, we stated that we would no longer give protection to American ships if they persisted in flying the American flag while carrying arms and munitions of war to one or the other belligerent nation. We made it clear that in the future this Government would not permit its nationals to make profit out of war by supplying any nation with the arms and munitions with which to carry on the war. We declared it to be our policy to remain neutral in the event of hostilities, and we have attempted to lay down a course of conduct that will give us every possible protection against our becoming involved in such disputes. We have gone further than merely taking steps to maintain our neutrality. We have let it be known that we do not intend to profit from anyone else's misery—we will not permit our nationals to exploit the misfortunes of others by increasing our trade relations with warring nations.

The temporary neutrality law will expire on February 29 of this year, so it will be necessary for the Congress to act before that date if such a policy is to become permanent. Although there are slight differences of opinion as to detail among those who are advocating the enactment of new legislation, the Nation is almost unanimous in demanding that our policy of neutrality be continued. Without a doubt, Congress will immediately enact

a permanent neutrality law designed to prevent entangling commercial or financial relations with belligerents and to prevent American citizens and American ships from traveling in danger zones so as to obviate, so far as is humanly possible, tragic incidents such as have in the past inflamed public opinion to the point where the people permitted Congress to declare war.

It is not enough to renounce war and announce our neutrality. While we should prepare ourselves against any probable invasion of our territories, we must, nevertheless, give to the entire world concrete proof of the fact that we do not propose a war of aggression. We should retain such parts of our national-defense establishments as are necessary for the proper protection of our borders and possessions, but should eliminate from our defense establishments all such agencies and activities as are designed and primarily useful only for aggressive or foreign warfare. While we are talking peace and neutrality and attempting to urge our views upon the world, there is no possible justification for the tremendous expenditures we are making in order to strengthen our Navy.

In 1917 the men and women of the country were asked to lend their efforts to the cause of peace. They were told that the best way to have peace was to fight for peace. They were told that in order to outlaw war we must fight a war to end wars. The great masses of our people did not think for themselves but accepted the statements of national leaders at their face value, and millions of our young men entered into the military service of our country and went to war firmly believing that in doing so they were advancing the cause of peace. They fought a war firmly believing that in doing so they were definitely fighting for the principle that war should no longer be resorted to among civilized nations for the settlement of international disputes.

Our military forces and those of our allies were victorious in that war—at least the enemy was subdued and the spoils of war were distributed among the victors. Our share, however, has proved to be only the cancellation of billions of dollars of debts due us from those nations with whom we joined in that nightmare. In reality, however, history will not record a moral victory for us if, at some future time, we should again become involved in warfare.

While we are loudly proclaiming our intent to remain neutral in the event of any possible outbreak of hostilities, and at the same time urging the world at large to keep faith with the treaty outlawing war, we are actually spending more money in building up a war navy than ever before in the peacetime history of our country. During the present fiscal year we are spending approximately \$1,000,000,000 on our Army and our Navy, the large part of which is intended only to prepare us for aggressive warfare. The crying need of the present day is to reorganize our military establishments in conformity with our avowed intention of remaining at peace with the world so far as it is humanly possible for us to do so. We should make it clear that we are prepared to defend our borders against any possible invasion, but we should at the same time, by our every action, make it clear that we do not propose to again send our young manhood to fight a battle on foreign soil. We should prepare for national defense, but should eliminate from our policy the militaristic, imperialistic, unsound slogan: "The best defense is the offensive."

Unquestionably our present naval construction program is out of harmony with the wishes of our citizenship. The large Navy we are building is absolutely unnecessary from the standpoint of national defense. To continue with this program of increased naval armaments can be interpreted in no other way than that we expect to engage in warfare for purposes other than for the protection of American lives and property here in America. Throughout the ages history has recorded that a large navy is not needed to repel invasion. Nowhere in history is it recorded that troops have ever been landed from the seas upon hostile territory. No one seriously believes that a large navy is necessary in modern times to prevent foreign troops from landing on our shores, because other methods are used and are more effective in the protection of our harbors.

On January 9, 1932, Admiral Bristol, then Chief of Staff of the Navy, said: "I might state in addition to that, we do not contemplate devoting the fleet to the defense of harbors. We have harbor defenses by mines, fortifications, patrols, submarines, and aircraft. * * * The modern idea of the United States, and one I think that prevails now, is that the fleet would not be there for the protection of the coasts."

Such eminent authority should convince us that from the standpoint of defending the continental United States or any of its possessions, land fortifications, mines, submarines, and aircraft, are the only practical and effective instruments, together with an adequate land force composed of a civilian army of men and women possessing the willingness to die, if need be, in defense of their homes and homeland. It is not necessary to have a large Regular Army for defense purposes, because the National Guard, the Organized Reserve, the men and women from all walks of life who would frown upon fighting another foreign war, would cheerfully give their lifeblood in defense of their country in a fight, not of aggression, but of self-defense.

Let me also remind you of a statement recently made by Lt. Comdr. L. D. Webb of the United States Navy in which he said: "History records no instance of major land fortifications having been reduced and captured by naval vessels."

Believing as I do, that a large navy would be ineffective from the standpoint of defending the continental United States or its possessions from invasion, and that the only way to accomplish this is through proper fortifications, mines, submarines, and air-

craft, there remain only two other possible uses for a navy that even slightly justify our tremendous expenditures for such purposes. One excuse offered by the big navy interests is that we need all of the battleships, cruisers and what nots to protect our commerce with foreign nations.

As a matter of fact Secretary Swanson of the Navy says that one of the purposes of a large navy is "to protect the broad maritime interests of the American people, including their foreign policies and commerce on the high seas." Even if it were not for the fact that it is a matter of general knowledge that a navy can destroy merchant ships but cannot protect them, we can eliminate this excuse for building battleships, cruisers, destroyers, etc., by formulating and enacting a strong neutrality policy that will prevent American ships from carrying cargoes in danger zones or to the ports of belligerent nations.

The only other claim that I have heard advanced in an effort to justify the building of our Navy up to treaty strength is that we should be prepared to strike first in a great offensive in the event of a declaration of war. Those who entertain this view oftentimes express it by saying, "The best defense is the offensive."

It might be well to refresh our recollection of some of the experiences that have been recorded in history. It will be recalled that in 907 A. D., 10,000 Russian vessels, carrying 400,000 men, under the command of Igor, son of Rurik, the Swedish adventurer, who first ruled Russia, sailed across the Black Sea to attack Constantinople, which then belonged to Greece. Efforts on the part of the Grecian emperor to buy off the invaders were unsuccessful, and it was necessary, therefore, to immediately organize such forces as were at his command to offer resistance to the would-be conquerors. Only 15 ships were available to defend the capital against the attack of these savage hordes, but the Greeks defended the city by the use of streams of flame which destroyed the Russian men and ships and sent Igor in retreat with less than a dozen remaining ships. This demonstrates that the size of the fleet does not predict the outcome of the battle.

We have also recorded in history the fate of the Spanish Armada, which was leisurely making its way up the English Channel and was met by a handful of privately owned British ships manned with patriots determined to resist the onslaught of the enemy, and who, finally, by sniping and other unorthodox methods, prevented the great armada from accomplishing its objective.

During the World War the British Fleet, under the command of Admirals Beatty and Jellicoe, was unable to score a victory over the German Fleet, which was only about one-half as large as the former.

Those who claim that we must be prepared to strike first seem to forget the fate of those large fleets in history which have attempted to attack the enemies' territories from the sea. With the development of submarines, mines, airplanes, and other modern war equipment, such an attack by us or upon us is positively doomed to failure.

It is possible that in time of war the two opposing fleets might encounter one another either accidentally or as a result of willful maneuvering on the part of their respective commanders. Would the outcome of such an encounter be predetermined because of the superior strength of either fleet, or would the outcome be purely a matter of chance? Is it not a matter of fact that a large fleet operating as one unit would be handicapped because of the lack of communication between various divisions and units of the fleet? Certainly no one believes that in any future war the admiral of the fleet will be able to give directions to the other component parts thereof by hoisting flags upon the flagship. This method of communication and the use of semaphore, wigwagging, blinkers, etc., have been made entirely useless through the development of smoke screens and other devices used to lessen visibility in time of battle.

Can we rely upon the radio as a means of directing the movements of all of the battleships, battle cruisers, cruisers, submarines, destroyers, and airplanes, which are all parts of our fleet? Obviously, we cannot rely upon the radio because every nation in the world that has experimented with the radio for use in such an emergency has developed methods of creating radio interference to prevent the enemy from using a method of communication they themselves hope to employ. Certainly, the art of creating interference has kept up with the art of radio communication. In peacetimes we have enough trouble with interference with radio reception when everything possible is done to prevent such interference. If human ingenuity has not and cannot develop radio interference sufficient to prevent directing fleet operations by use of the radio, then certainly the tremendous number of radio channels that must be kept open to communicate with all of the various units of the fleet, on the water, beneath the water, and in the air, combined with similar activities on the part of the opposing fleet, would result in such confusion that it would be impossible for the admiral on the flagship to transmit orders that would be accurately received by his subordinates. One slight error might turn victory into defeat. There can be no practical means of communicating orders from the first ship in the fleet to others in modern warfare on the high seas.

The navies of the world have tried to be so efficient in preventing the enemy from recognizing them as such that they have employed means of identifying themselves through secret codes, which of necessity change so rapidly that mistakes are likely to happen and, as in the World War, ships are likely to fire upon members of their own fleet, believing them to be the foe, because they did not identify themselves soon enough or because the signal was improperly executed or received.

Modern navies are, as Mr. Wayne Francis Palmer, a former naval officer, has said, "deaf and dumb"; and, as Miss Jeannette Rankin has said, "also blind." After all, if we are to admit that naval forces cannot successfully attack harbors properly fortified for defense, it seems to me that a battle engaged in between opposing fleets would have little, if any, effect upon the outcome of a war. Such battles are not decisive. If we are to have foreign wars and are again to send the youth of our land across the high seas to fight in order to avenge some fancied wrong, or if we are to permit our flag to go in a battle to protect the money invested by American citizens in some other country, then, and then only, would a large navy be of any value to us. If we are to send soldiers on army transports to fight on foreign soil, we will need battleships and cruisers to convoy such troops. It is true that the benefit of such protection has been greatly exaggerated, but there may be something that can be said in favor of having a battleship escort the transports over the high seas. At least the knowledge that a battleship is somewhere on the other side of the horizon might give a little comfort to those on their way to battle and at least would not do any harm.

But we do not propose to have any foreign wars. No responsible citizen of our Republic would dare to tell the American people that we will again send troops across the ocean to fight a real or imaginary enemy of our country. We do not intend to become embroiled in the troubles of the Old World, and we have said in announcing our new policy of neutrality that should war break out there, that we would, under no circumstances, take a part in it. We must not break faith with those men who now lie in Flanders Field. They gave their lives believing that they were making the sacrifice in order to prevent future generations of American citizens from going through the hell that they experienced. We must not—we will not send our troops to fight in foreign lands, and if we adhere to this resolve—which is entirely within our own control—we will not need a large navy to convoy soldiers to foreign battlegrounds. We should reduce, rather than increase, the amount of money that we are spending on so-called national defense, and should discontinue such expenditures as are now being made to prepare us for a war at any other place than here in the United States of America.

It should be the policy of the United States to use the governmental powers of national defense for defense only, to refrain from maintaining or establishing agencies of warfare other than those necessary for defense, to fulfill the commitments of the General Peace Pact for the Renunciation of War by adjusting the military system of the Nation to the policy of such pact, to maintain a defense policy designed to defend the boundaries of the Nation against invasion, and to eliminate from the defense establishments such agencies and activities as are designed and primarily useful only for aggressive or foreign warfare. To that end and for the purpose of avoiding unnecessary expenditure of the taxpayers' money, we should unite the entire Army, Navy, and air force, under one department, to be known as the Department of National Defense. I have introduced in Congress a bill, known as H. R. 9134, which, if enacted into law, will reorganize our entire military establishments under one head for defensive purposes only. Such a law would result in a great saving of the taxpayers' money, and it would prove that we are sincere when we denounce war as a means of settling disputes among nations.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, may I say in reply to the gentleman from Pennsylvania [Mr. RICH] that I feel correspondence between a Member of Congress and his constituents can very properly be placed in the RECORD. The Senate has great latitude in this respect and prints newspaper articles and the like in the RECORD. I do not, however, feel that is necessary. I believe we are doing our duty, however, as Members of the House if we include that correspondence which is of vital importance to the American public.

[Here the gavel fell.]

TENNESSEE VALLEY AUTHORITY

Mr. McLEAN. Mr. Speaker, I desire to address the House on a question directed to the privileges of the House.

The SPEAKER. The gentleman will state his request.

Mr. McLEAN. Mr. Speaker, a practice has grown up here of permitting the records of the House to be removed from the custody of the House. The particular matter I wish to call attention to is the report of the Tennessee Valley Authority, which report was laid before the House on the 3d of January and ordered by the Speaker to be printed. On the 20th of January I directed attention to the fact that the report had not yet been filed in the document room. The same afternoon I received a wet-proof copy from the

Printer, which contained a statement that certain provisions of the report, as directed by law, were not to be printed. Attention was called to this fact and steps were taken to have the report properly printed. That was some 13 days ago, but the report has not yet been filed and made available to Members in printed form.

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman from New Jersey [Mr. McLEAN] is not speaking on a question of personal privilege or on a question of the privileges of the House. If there is a question of the privileges of the House involved, the gentleman must introduce a resolution, which resolution must state the question of the privileges of the House.

The SPEAKER. The Chair is ready to rule.

Mr. McLEAN. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair is ready to rule. It is very clear that the gentleman's remarks are directed to a question which should be raised by either a motion or resolution. The Chair may say that on a previous occasion when this matter was brought before the House the Chair announced that he had ordered this report printed. Of course, there is nothing further that the Chair can do now, inasmuch as he has already ordered this report to be printed.

Mr. McLEAN. But the printing is being delayed by persons who are not connected with the House.

The SPEAKER. The Chair thinks that the point of order made by the gentleman from Mississippi is well taken.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes; and pending that, I ask unanimous consent that general debate be limited to 2 hours, to be confined to the bill, one-half of the time to be controlled by the gentleman from Kansas [Mr. LAMBERTSON] and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DOUGHTON in the chair.

The Clerk read the title of the bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield myself such time as I may desire in the presentation of this bill.

This is the fifteenth annual Interior Department appropriation bill that I have assisted in presenting to the House. As I recollect, this is the largest bill ever presented. It carries \$81,221,330.05, which is \$4,179,754.05 more than last year; but, notwithstanding that, it is \$1,721,111.70 less than the Budget recommended.

Mr. Chairman, the reason that the Interior Department appropriation bill continues to grow in amount each year is because many new activities are added to this Department every year. During the past 3 years 21 large activities have been added to the Interior Department. There are four new ones in this bill this year for the first time, which is one of the reasons for it being so much larger this year. The new activities are the Bituminous Coal Commission, the War Minerals Relief Commission, the Petroleum Hot Oil Administration, and the Puerto Rican hurricane relief.

All of these items carry quite a large sum. The National Petroleum Coal Commission carries \$990,000 and the Petroleum Administration \$300,000, and so forth.

In this regular appropriation bill no appropriations for construction are included, with the exception of several items submitted in the Budget as a part of the public-works program but included in this measure because our Interior subcommittee is familiar with them. It is really a maintenance bill for the activities of the Interior Department,

which are scattered, as you all know, from the Arctic Circle to the Equator, a myriad of activities.

Consideration of the bill has required about 3 weeks of constant hearings. The volume containing our hearings is over 1,200 pages, the largest it has ever been for this Department. They contain, however, a full and frank justification for practically every item in the bill. We have required the bureaus to submit detailed statements of their activities, where they spent the money we gave them last year, and where they expect to spend it this coming year, and we feel if anyone will take the time to look at the hearings he will find a complete answer to anything he may desire to know about this bill, and for this reason I shall ask to be allowed to proceed without interruption and give you simply a few of the high spots on the bill itself.

I may say there is an item of net increase of \$850,000 for public works and \$400,000 for the Grazing Division. The item for the Grazing Division, under the so-called Taylor Grazing Act, is really not a large increase. It consists partly of \$68,000 transferred from the Geological Survey to the Grazing Division and \$250,000 is granted them only upon condition they collect it from the stockmen as grazing fees and pay it into the Treasury. If it is not paid into the Treasury, they do not get it.

Of the money they pay in as grazing fees on the public domain, 25 percent goes into the Treasury, 25 percent goes to the States for schools and roads, and 50 percent for improvement of the public domain. This gives funds for the destruction of predatory wild animals, to destroy a large amount of poisonous weeds that kill thousands of cattle every year, to improve the watering places on the range so that many of the cattle will not choke to death by the drought as they did last year, also build some necessary drift fences, and do many other things to improve the range. They do not herd on the public domain in the West. They turn out many millions of sheep and thousands of cattle and they guard the range they are put on, and in order to do this they have to build what are called "drift" fences. These drift fences prevent the stock from getting far out of their accustomed range.

We feel this activity is one that is going along as energetically and satisfactorily as can be expected, and it is being administered for very much less than the same amount of land is administered in the forest reserves.

The President's \$400,000,000 public-works program includes estimates amounting to \$26,600,000 for certain activities under the Interior Department. These are items which have been considered heretofore in this bill and for that reason they are put on this bill. However, they are continuations of present construction.

Three million five hundred thousand dollars is for Indian roads and trails. These are for the 100 or more Indian tribes, reservations, and agencies.

There is \$9,600,000 that is a continuation, and I understand a completion, of the Boulder Canyon Dam project.

There is \$6,500,000 for the all-American canal. This money is all obligated to be paid back to the Federal Treasury within 40 years, without interest, under the reclamation law.

There is \$250,000 for the construction of a new building over at the St. Elizabeths Insane Asylum. They asked for two buildings, but we only gave them one. We cut down the estimate \$250,000, because they are just completing a new building there that will take care of 300 additional patients, and this new building we are authorizing will take care of 160 more. So that 460 additional insane patients at St. Elizabeths Asylum will be taken care of. At the present time it is estimated the population will increase only about 100 next year, so that we feel this elimination can be made without hurting the institution.

As I have said, all of these projects, except the new building at the insane asylum, are continuations of projects that have been heretofore authorized by law.

We have eliminated a new section that was recommended by the Budget, authorizing an interchange of 10 percent of the total amount of appropriations among the bureaus of the Department. We felt that this was giving too wide a latitude, and for this reason we have eliminated it in this bill

with the understanding that the same action will be taken by the other nine subcommittees of the Appropriations Committee. However, I may say in passing that within the bureaus themselves, in some instances, there is authority for such an exchange to the extent of 10 percent, and we feel it has been and is being wisely exercised.

In the office of the Secretary of the Interior there is an increase of \$400,000, but that is simply the \$400,000 I mentioned concerning the grazing item.

There is one item for the Mount Rushmore Memorial Commission for the carving on the mountains of South Dakota. We have hoped that that would come to a determination before this. They have nearly completed the carving of George Washington and Thomas Jefferson, and they are now starting work on Lincoln. I understand the people doing this work hope to add to that a stone reproduction of President Theodore Roosevelt and possibly others.

I may say that these figures that are carved on the side of the mountain are costing the United States Government \$100,000 apiece, and we members of this subcommittee feel that is very expensive work to be carrying on in these times of depression.

However, it is expressly authorized by law, and we are obeying that law rather reluctantly. Congress passed a bill through the last session adding \$200,000 more for this work. Nevertheless, we have allowed only \$100,000 of that in this bill because we doubt either its wisdom or necessity.

We have put in a provision that no new figure shall be started that has not already been begun, because we felt that there would be no limit to the distinguished citizens that might have their figures carved on that mountain. I may say there are a lot of good mountains in my district that we could place carved figures on. [Laughter.] Anyhow, that is the action the committee took on the matter.

I should say further that when this performance was started it was distinctly provided that that State or private citizens would contribute an equal amount to be raised by the Commission. The Commission contributed \$96,000 and then quit. They requested a law relieving them from further contributions, and that was passed by Congress.

Now concerning the Petroleum Administration, we recommend \$300,000, which is \$200,000 less than was appropriated last year and \$50,000 less than the Budget.

The Chairman of the Petroleum Board made an investigation recently and Governor Scrugham checked up on that work, and the Chairman of the Board agreed that they could afford to take that cut.

For the Bituminous Coal Commission we have allowed the recommendations made by the Budget. They have set up quite elaborate machinery; they have five commissioners appointed, but there is no fund appropriated. Employees have been loaned from the Interior Department and the National Recovery Administration. The act provides for a set-up of 9 minimum-price areas and 24 district boards.

Concerning the General Land Office, we decreased that allowance \$112,000, and we made one little increase of \$15,000 for maps.

You know these large United States maps are splendid for schools of the country, and nearly every Congressman has had many requests for those maps.

They have run out, and the Budget did not recommend anything for any more. We have added \$15,000 to this bill to reproduce a large number of those maps. Under the allotment each Member of Congress will have 12 of those large United States maps allocated to him to use in such manner as he feels appropriate.

Mr. MARTIN of Colorado. That is not enough.

Mr. TAYLOR of Colorado. I know it is not enough. We ought to have 100 each for the schools of our districts. They are educational and are the most authentic and best United States maps published. They are entirely official. Two years ago the Budget declined to recommend any more money, but we added \$15,000 ourselves at that time and obtained a new allotment of these United States maps. They are economically printed and are splendid maps.

Concerning the Bureau of Indian Affairs, 44 pages of this bill are occupied with that Bureau. The bill itself is 116

pages long, the longest that we have ever had, and I imagine it is the longest that will be reported from any of the subcommittees this year. We have appropriated \$27,101,170.05 to the Indians, and that is \$1,086,509.95 less than the last year's appropriation, and \$1,413,061.70 less than the Budget recommended. There is a total appropriation also in addition to that out of tribal funds of \$1,507,820. The Wheeler-Howard Act was passed last year for the reorganization of the Bureau of Indian Affairs. That act has just been set up with a total appropriation of \$3,825,000. The estimates were \$3,675,000, and we have allowed \$2,140,000. A cut of \$1,520,000 in the estimate of \$2,500,000 for the revolving fund is responsible for that cut. They have not yet got started with all the machinery set up under the Wheeler-Howard bill. Under this amount that we have allowed, and in addition to what they have not expended, there is available \$3,480,000, which we feel is amply sufficient to get the work of the revolving fund started.

For industrial assistance to Indians, the amount recommended is \$2,283,000. Last year the appropriation was \$3,720,000. In other words, we have cut off \$1,437,000 less than last year's appropriation, and, as I say, \$1,492,000 less than the Budget. The cut of \$1,520,000 in the Wheeler-Howard item, to which I have referred, is responsible for this saving.

We have included an item of \$42,500 for development of what they call Indian arts and crafts. That is a new enterprise. The Budget recommended paying a man at the head of this new activity of arts and crafts, \$10,000 a year. Inasmuch as the Commissioner of Indian Affairs received only \$7,500 a year until about a year or two ago, when his salary was raised to \$8,000 a year, we thought it absolutely ridiculous to put some man under him to take charge of an activity under that Bureau and pay that man \$10,000, so we cut the amount down to \$7,500 and would not be surprised if somebody would cut it even less than that. The Budget allowed \$45,000, and we cut that amount \$2,500.

For education of the Indians we have appropriated \$9,295,375. Last year's appropriation was \$9,776,000. There is included \$981,000 in the appropriation of last year for cooperation with school districts in the construction of school buildings. This is an apparent decrease in education, but as a matter of fact there is an actual increase because of the amount of increased cost of operation and additional pupils and the depletion of tribal funds. A great many tribes have had funds of their own, but during this depression those funds have largely disappeared, and hereafter we are going to be compelled to appropriate more money for the Indians than we have been doing heretofore. There is no way of getting away from it. Two thousand one hundred and seventy-six pupils have been provided for in this bill over and above the number of pupils provided for last year. We allow so much per person ordinarily for pupils, but that varies in different localities.

For the conservation of the health of the Indians, the amount recommended was \$4,417,360. We gave them \$3,849,620 in the appropriation bill of last year. This is an increase of \$567,000, which is divided up in this way: \$374,150 for the operation of new public-works hospitals and for increased cost of operation of hospitals. We have quite a number of new hospitals, and we will have to have more. There is a large percent of tuberculosis and trachoma and other diseases of the Indians that we have to take care of if we are not going to permit the extermination of the red people in this country, and it costs a large amount of money. There is \$73,730 for the operation of hospitals that were formerly paid out of tribal funds.

Then they set up a new activity. We have allowed \$34,000 for what is known as pneumothorax clinics. They want to experiment among the Indians, and they have used this treatment among some colored people and others, and they have discovered what they think is going to be very beneficial treatment, and in many cases a substantial cure of tuberculosis, by closing up one lung at a time until that gets well and then opening that up and using it and closing up the other one. That may seem peculiar, but on page 1036 of the hearings you will find a very good description of that

proceeding, which they feel is going to be quite beneficial to the Indians.

We added an item of \$30,000 that was not recommended by the Budget. There are only a very, very few things that we put in here which were not recommended by the Budget. At Point Barrow, Alaska, the most northerly port of that whole country, away up above the Arctic Circle, nearly a thousand miles from any place on earth, the Presbyterian Church of this country has been maintaining a hospital for the Eskimos. There are about 1,700 Eskimos who live up there. That hospital has been maintained by the Presbyterian Church for many years. They built a building that cost \$50,000 and equipped it, and they have been taking care of those Eskimos. The building is on solid ice and it never melts. In the past year the number of patients treated there was over 2,847. The Presbyterian Church has absolutely got to quit.

They say they cannot stand that expense any longer. They have had a wonderful man up there in charge. He was a minister and he has been ministering to the welfare of these people in a religious as well as a medical way. He has become deaf. I think he is blind, too, and he is very old, and he has had to leave there. The Presbyterian Church wants to donate the whole property to the Federal Government without a cent of remuneration, but they say we must take it over. We made a study of it and we learned that we can carry that on for \$30,000 a year, so we put that item in this bill to carry on that hospital and improve it some and secure a competent physician and surgeon and at least one nurse, because whenever an Eskimo within a distance of 1,500 miles along that farthest northern country gets sick he must either die or go to this hospital.

Mr. TABER. Will the gentleman yield there?

Mr. TAYLOR of Colorado. I yield.

Mr. TABER. With reference to this all-American canal item, will the gentleman tell us whether or not this is the first time that has appeared in any appropriation bill?

Mr. TAYLOR of Colorado. Yes; that is right. This is the first time it has appeared here. I might say the Department of the Interior and the Bureau of the Budget sent up an estimate to this committee for some new construction, additional construction, quite a large item, for reclamation. We decided not to put it in this bill and I decided not to put it in the deficiency bill that was passed last week, because I think that will more properly come in the first regular deficiency bill which we will take up very soon. That will be the first regular deficiency bill. We feel that that item of \$30,000 is a humane and very necessary item, and we put it in.

The amount recommended in this bill for the general support of the Indians is \$2,360,000. This is an increase of \$105,650 over last year. That increase is due to the depletion of tribal funds largely. It amounts to \$44,000. There is \$36,550 for additional clerical assistance. I may say that many of these Indian agencies do not have practically any help at all, and they must make a great many reports. We felt it was absolutely necessary to allow a few additional clerks at some of the Indian agencies, so that accounts for this item of \$36,000. Then we allowed an item of \$30,000 for the consolidation of the supervision of the Navajo and Pueblo Indians. Those are very large tribes and extend over a wide part of Arizona and New Mexico. This activity is authorized, and we felt it would be advantageous to give them that appropriation.

Under the Bureau of Reclamation we have added \$75,000 for the establishment of an operation and maintenance administration. I may say to the House that at the present time the Government has an investment of over a half billion dollars in these reclamation projects when those under construction are completed. I think it will be nearer \$750,000,000. This organization is necessary to look after that. I might say in passing—and I presume we will have some debate on this later on by the gentleman from Pennsylvania and others—but every dollar of this money and every dollar of the appropriation that is coming in the next deficiency

bill, \$64,710,000, comes under the reclamation law. It is obligated to be paid back to the Government, dollar for dollar, within 40 years without interest.

Of course, it takes some machinery to look after it. But let me say as strongly as I possibly can that, considering all the Government reclamation projects up to this good hour, less than 2 percent of all the money that is now owed the Government of the United States is in default. There is no other large institution in the United States that can make as good a report as that. We do feel that the slurs and criticisms which have been made are not only wrong but are an outrage upon the people who are building up that vast western half of the United States, which Daniel Webster referred to as the great American desert, and making homes for thousands of people, making a market for every manufacturing concern in the United States which ships goods to it.

This Commission is also to advise settlers as to the most economic use of water, and so forth.

We made an increase of \$67,000 in the Geological Survey. I might say that we made a great many cuts, but there is a total increase of \$67,000. The amount recommended was \$2,352,560. The amount appropriated last year was \$2,285,560. This increase is \$40,000 for additional topographic surveys. We have very insistent demands upon us from all over the United States for topographic surveys, and we have allowed that item.

Then we have allowed \$38,000 for geological surveys. Fourteen thousand dollars additional for printing and binding; \$25,000 for mineral leasing on the public domain. We feel that all these matters are of tremendous importance, and we have assumed to make these appropriations, but they are still well within the recommendation of the Budget.

We have allowed \$50,000 for land classification, but that has been transferred from the Geological Survey over to the public grazing supervision to which I have referred heretofore, so that that is merely a transfer of funds. We have made a saving of \$10,000 in this item by reducing the estimates for mineral resources in Alaska. We felt that considering the large amount of money Alaska has obtained from the public-works fund, we could make this cut from \$70,000 to \$60,000. I may say in passing that I shall ask the gentleman from Nevada [Mr. SCRUGHAM], who himself is a distinguished engineer, to answer any detailed questions there may be concerning the Bureau of Mines and the Geological Survey, which he is eminently qualified to answer. I will simply touch a few of the high spots.

The amount recommended for the Bureau of Mines is \$1,992,050. The appropriation last year was \$1,970,000. We made an increase of \$22,000 over last year's item, but we have eliminated \$20,000 from the estimate for the repair of one helium-gas well. There are four wells now in active operation. We felt, in view of the decreased demand for helium gas since the loss of the *Macon* and the *Akron*, that four wells were sufficient to supply all the helium we would need. We therefore made this slight reduction.

Other Budget items which we have denied are \$26,150 for demonstrations of mine explosions. We felt there was sufficient left without that and that they could very well stand this cut. We cut \$20,000 from the item "Testing of fuel." We have added \$12,000 for a survey of the stored oil in the United States. We have also added \$84,400 for experimental work at Boulder Dam with regard to the utilization of surplus power in testing ores and minerals in that area. I come now to the National Park Service.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield only for a brief question.

Mrs. ROGERS of Massachusetts. Is there an appropriation for an investigation of the granite industry in the United States; the quarrying and distribution of granite? I understood that would be included in one of the items.

Mr. TAYLOR of Colorado. At the moment I do not recall specifically. I would have to look over those items before I can answer definitely.

Mrs. ROGERS of Massachusetts. It might be included in one of the items?

Mr. TAYLOR of Colorado. I am not sure whether the Bureau of Mines would have authority over that. It would be a matter I would have to look into before I could answer the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. I understand; but some might be obtained for this purpose.

Mr. TAYLOR of Colorado. Possibly.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield right along this line?

Mr. TAYLOR of Colorado. Briefly; yes.

Mr. JOHNSON of Oklahoma. Ten thousand dollars is specifically set forth in the bill for a study of the occurrence of granite in the northeastern States.

Mr. TAYLOR of Colorado. The gentleman from Massachusetts, of course, understands there are something less than a million items provided for in this bill and it is impossible for me to remember all of them without checking up on them.

Coming to the National Park Service. Let me say that the amount recommended was \$16,022,080. We gave them \$15,871,390. This represents an increase of \$150,000 over last year's appropriation, but there is a decrease under the Budget of \$6,000. No individual park item has been increased. Of all the national parks in the United States we have not increased one.

The President has directed the Park Service to make an investigation as to whether or not charges or fees could be exacted by these parks to take care of some of the expense.

Mr. Chairman, in the matter of these national parks may I say that I think they are one of the outstanding important activities of this generation. Twenty years ago the total number of visitors to all our national parks was about 300,000 in a year. Last year, 1935, over 7,000,000 people visited our national parks. In other words, we are building up the sentiment "See America First." And millions of Americans are seeing America first. The people come to these parks from all over the United States, and in these parks are suitable accommodations for people with all kinds of means, or with scarcely any means. A man can put his family in a car and without much expense spend as much time as he wants in these parks. Really it is an investment in good citizenship and is a wonderful health-producing and invigorating service. I doubt the wisdom of charging the public much, if anything, for the use of the parks. They do make a nominal charge of \$1 a car or something of the kind partially for the purpose of keeping a tabulation on the traveling public. There is, of course, always some criticism by somebody about everything.

Speaking from long experience with these bureaus, I think the National Park Service in its showing, its justification, and the frankness with which it presents its claims to our committee is not exceeded or equaled by any other bureau of the Government. I feel it is a splendid organization and I have always been proud of them. It has always been a delight for me to be of service in upbuilding and improving our national parks.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield for a short question.

Mr. COLDEN. What portion of the expenses of the Park Service do these admission charges defray?

Mr. TAYLOR of Colorado. I have forgotten for the moment, but it is a comparatively small amount.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. For a question only; I want to proceed, I am taking too much time.

Mr. KRAMER. Does the gentleman know how it is that such companies as the Standard Oil Co., the Shell Oil Co., and others secure the right to sell gas in these parks? Does the Government receive any revenue from these concessions?

Mr. TAYLOR of Colorado. Mr. Chairman, when Mr. Mather was originally appointed—and I may say in passing that he is entitled, I think, to more credit for the creation of our National Park Service and for the enactment of the law which created our national parks than any other one human being. Soon after the passage of the law it was apparent that a definite system must be followed with re-

gard to the furnishing of service in these parks. It was felt it would be ruinous and disgraceful to let everybody run wild and make a racket of it. All the parks would have soon been ruined. After exhaustive consideration it was decided—and that policy has been carried out ever since—that they would grant exclusive concessions under strict regulations, strict supervision, and strict authority to cancel them whenever they were violated; and these regulations apply to all the parks. These concessions are let out to responsible parties. Some furnish food, some transportation, some sleeping quarters, some one thing and some another.

Now, Mr. Chairman, I must decline to yield further.

So that we do have a definite system throughout these parks. They have what are called concessionaires or operators in each one of these parks who have practically a monopoly. Take, for instance, the national park in my own State. When the weather was fine if anybody came in on the train to Denver and wanted to go up to the Rocky Mountain National Park they would probably take them up there for \$5, but if the weather was bad they would be charged \$25 apiece. That became such a raw swindle that steps were taken to fix and limit the price. It is now fixed. The service is limited and everything about the matter is under the control of the Secretary of the Interior, and the charge is the same, rain or shine, and whether the bus carries 1 or 15 people. In other words, it is systematized. These contracts, of course, run a certain length of time for each concession. If anyone knows of any better system than that, and one which will any better protect the public, of course, I feel that the Secretary of the Interior and Director Cammerer would welcome the suggestion.

I must pass on now to the Bureau of Education. The amount recommended for the Bureau of Education was \$7,159,300. The amount appropriated in 1936 was \$5,761,220. We have given them an increase this year of \$1,398,080, which increase is due to the following items:

Five hundred thousand dollars is authorized by the act of June 29, 1935, and covers land-grant colleges throughout the United States.

Eight hundred and forty-one thousand dollars is an additional amount to cover vocational rehabilitation under the Social Security Act. This is one of the things that has been added on, and there is no way of getting away from it. It has been enacted into law, and we have to carry out that act.

There is an addition of \$20,000 added for the Hawaiian Islands and Puerto Rico. We have disallowed an item of \$50,000 in the estimate, due to the fact there will be an unexpended balance of at least that amount in connection with the vocational-education item. There is \$4,100 more disallowed due partly to the disallowance of traveling expenses. We reduced this item to \$2,300.

I come now to the Territory of Alaska. There was recommended a reduction in the 1936 appropriation of \$20,000 for construction of roads and trails. The sum of \$50,000 is cut from the Alaska Railroad item. I might say that a number of years ago before I became chairman of this subcommittee the Alaska Railroad was obtaining from a million to a million and a quarter a year in addition to all its receipts. During the first year I became chairman the item was cut in half to \$500,000; the next year we cut it to \$250,000, and the next year we cut it off altogether. But they came back and received a deficiency appropriation of \$250,000.

Mr. Chairman, as a matter of fact, that railroad cannot be run on its receipts for many reasons. One is the Richardson Highway competes with it. This is a broad highway and almost free. The trucks use this highway in the summertime, and, of course, most of the produces moves up there in the summertime, and people use the highway instead of the railroad. It was a very expensive railroad to build, having cost the Government \$57,000,000. There were hopes at the time of its construction that it would be self-supporting and might repay for itself, but that has not proven to be the case. We cannot very well abandon the

railroad because if we did we might as well abandon Alaska. The superintendent of that railroad, Colonel Olson is doing a splendid job. He deserves great credit. This railroad does take people from Seward to Fairbanks and it does maintain quite largely the morale and the business of the Territory. We therefore feel that \$200,000 is necessary and for this reason we have added that amount to the appropriation. We did cut off \$50,000 below last year.

The increases in Alaska consist of \$46,000 for the legislature. We pay the expenses of the legislatures in Alaska and the Hawaiian Islands. They meet every 2 years. They meet this year, so that we have this item of \$46,000 to take care of the legislature, and there is no way of getting away from that.

We have added \$11,600 for the care of the insane. I might say that the problem of the Alaskan insane is a very serious problem. The Morningside Hospital in Oregon has the contract at the present time to take care of the Alaska insane and have had it for a number of years, but the arrangement is not at all satisfactory. On the other hand, we advertised for bids and did not get a lower bid from a single hospital in the United States to do this work. We have to carry it on, and we will have to add a sum for the additional expenses involved in the care of the insane for the coming year. As I stated, the Morningside Hospital has a contract and they are taking care of these people at the present time. There is a large number of insane. Many of them I do not think ought to be there, but these people go to Alaska, they become insane, and then are shipped down there. We cannot throw them out. It is simply a humane matter.

We have added \$25,000 for repair of roads and trails.

Now, with reference to the Territory of Hawaii, we recommend \$68,650, an increase over the current year of \$47,000. This increase is necessary for the Hawaiian Legislature, just as was the case with the Alaskan Legislature.

Referring to the Virgin Islands, we recommend \$290,000, which is \$26,500 less than the current appropriation. An increase in the revenues of the municipal government permits this corresponding decrease, we feel.

The appropriation for St. Elizabeths Insane Asylum; the Columbia Institute for the Deaf; Howard University, the largest Negro university in the world; and Freedmen's Hospital are provided for in practically the same amounts as in the current year.

Mr. Chairman, this in a general way covers the high lights of the main activities of the Interior Department. As I stated, we have held exhaustive hearings. Our committee consists of seven members, and we feel that this report is eminently just. At the same time we have endeavored to save the Government some money.

Mr. RICH. Will the gentleman yield?

Mr. TAYLOR of Colorado. Just for a question; not for argument.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield for just a moment?

Mr. TAYLOR of Colorado. I yield first to the gentleman from Pennsylvania.

Mr. RICH. I would like to ask the gentleman from Colorado [Mr. TAYLOR], for whom I have the highest regard, and who, I believe, is better qualified to discuss this bill than any Member of the House—

Mr. TAYLOR of Colorado. I thank the gentleman.

Mr. RICH. I would like to know whether moneys are going to be appropriated from Public Works funds to the Interior Department, as they were last year, which would naturally increase the amounts carried in this bill over what may be represented by the bill itself.

Mr. TAYLOR of Colorado. The gentleman will realize it is utterly impossible for this subcommittee to tell what the Public Works is going to give to any activity. I do not know what they will do, I am sure.

Mr. RICH. Last year when you submitted your report you knew there would be \$200,000,000 or more spent, and I thought perhaps the gentleman had the same information now.

Mr. TAYLOR of Colorado. No; I anticipate they will get quite a good deal for some of these activities, but how much they will get I cannot tell.

Mr. RICH. This bill represents an increase of \$4,179,000 over what it was a year ago.

Mr. TAYLOR of Colorado. Yes.

Mr. RICH. And each appropriation bill that has been brought into the House up to this time has contained increases.

Mr. TAYLOR of Colorado. We have had increased activities put on us that we did not ask for.

Mr. RICH. I am not criticizing the gentleman at all, but I want to bring to the attention of the House of Representatives the fact that every bill that comes in here carries an increase in appropriations. Now, we say we are going to try to balance the Budget, but if the membership of the House of Representatives is going to permit these additional authorizations as represented in every one of these bills that come to the House, then how can we ever expect to balance our Budget?

Mr. TAYLOR of Colorado. Let me answer the gentleman from Pennsylvania in this way: As long as the House of Representatives and the Senate keep on passing an avalanche of bills by unanimous consent that create new charges and many large new appropriations, which ought not to be done, we are bound to obey the law and make larger appropriations.

Some of these bills are utterly unnecessary, but every week such bills are passed by unanimous consent; and they put more burdens on the Appropriations Committee and the Federal Treasury, because, when you pass a bill and the President signs it, you are authorizing and directing additional expenditures; this committee is obligated to appropriate the money to carry them out. That is how all this increase comes about.

Mr. RICH. Then it is the fault of the membership of the House of Representatives?

Mr. TAYLOR of Colorado. It is the fault of the House of Representatives and the Senate and the President. If we could cut out a lot of these bills that increase the charges on the Federal Treasury it would not put the burden on the Appropriations Committee of coming in here and asking the House to approve these increases.

Mr. RICH. I agree with the gentleman.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield.

Mr. ZIONCHECK. I want to submit a parliamentary inquiry. How much additional time has the chairman of the subcommittee?

The CHAIRMAN. The gentleman from Colorado has 6 minutes remaining.

Mr. ZIONCHECK. May I at this time ask unanimous consent that the time of the gentleman from Colorado be extended 15 minutes?

The CHAIRMAN. The Chair will state that the time for general debate has been fixed by the House.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. COCHRAN. Right in line with the suggestion that the gentleman from Colorado has just made with reference to passing bills by unanimous consent, carrying larger appropriations, does not the gentleman think this House made a very serious mistake in changing the Private Calendar rule, which enables committees to bring in and pass omnibus bills?

Mr. TAYLOR of Colorado. Yes; I do.

Mr. COCHRAN. Does the gentleman know that Tuesday afternoon the House agreed to a conference report on a private bill carrying \$900,000? The report was printed in the RECORD, but it was agreed to immediately. The report did not even go over under the rule, as unanimous consent was given for its immediate consideration.

Mr. TAYLOR of Colorado. As long as the House and Senate shut their eyes and continue to pass bills which create large obligations on the Government, you will have

the Appropriations Committee coming in here with increased appropriations all the time.

Mr. RICH. And if we continue to make such appropriations, there is no man in the House on either side who is able to tell where you are going to get the money.

Mr. TAYLOR of Colorado. That is true.

Mr. Chairman, I reserve the balance of my time.

Mr. LAMBERTSON. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a table prepared by the Park Service and two letters, one addressed to the Bituminous Coal Commission, and the reply thereto.

Mr. ZIONCHECK. Mr. Chairman, reserving the right to object, I have been trying to get a little time to talk here, and I have tried to get it on that side, and they will not give it to me over there, so I am going to object unless I can get a few minutes.

Mr. MILLARD. Object to what?

Mr. ZIONCHECK. To the unanimous-consent requests. Five minutes is all I have asked.

Mr. WIGGLESWORTH. I may say to the gentleman—

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WIGGLESWORTH. Mr. Chairman, I have a great regard for the distinguished chairman of the Appropriations Committee, both for him as an individual and for his ability, and I am happy to learn this morning that he is on the road to recovery and may be expected back with us in the very near future.

Last November I received a letter from the chairman stating that at a recent conference with the President it had been decided that this House should pass all appropriation bills, one legislative bill desired by the President, and then adjourn in the middle of March, or at the latest by the 1st of April. He added that as a result of this decision it would be necessary for the subcommittee in charge of this bill, and the subcommittee in charge of the independent offices bill, to meet simultaneously.

Needless to say, in spite of every consideration by the majority members of both subcommittees it was impossible for me to be in two places at the same time. Being assigned to both subcommittees, it was therefore necessary for me in reporting this bill to the full committee to make full reservation of rights on many items carried by the bill.

I want to speak this morning on a few features in the bill, and a few only, reserving such further comments as may seem advisable for the 5-minute rule.

First. As to the totals carried in the bill. For the fiscal year 1934 the appropriations carried in this bill amounted to about \$43,200,000. For 1935 the total rose to something less than \$46,900,000. Last year the bill carried about \$58,800,000. Deficiency items during the year brought the total up to \$77,000,000.

The present bill carries a total of over \$81,200,000, a reduction, to be sure, of over \$1,700,000 as compared with the Budget recommendations, but almost \$4,200,000 more than the bill for the present fiscal year and about \$38,000,000 in excess of the bill 3 years ago.

In addition there is an item of \$64,710,000 carried in the Budget for reclamation projects which has not been considered by this committee. If subsequently allowed through a deficiency bill, we shall have a total increase compared with the present fiscal year of \$69,000,000, with a total for the fiscal year 1937 of about \$103,000,000 as compared with \$43,000,000 3 years ago.

Furthermore, I have just been advised that the following emergency funds have been made available to the Interior Department under the present administration:

<i>Emergency funds allocated to the Interior Department</i>	
Public Works funds.....	\$193,148,028.95
Emergency Relief funds.....	129,583,372.00
Emergency conservation work, Indians.....	31,601,200.00
Total	354,332,600.95

The principal increases and decreases in this bill as compared with the present fiscal year are set forth in the report. If there is no objection, I will insert them at this point in my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

Increase in appropriations: As has been stated above, this bill appropriates a total is \$4,179,754.05 greater than the 1936 appropriation. The major increases are as follows:

Public-works program	\$850,000.00
Grazing control	400,000.00
Bituminous Coal Commission	990,000.00
Compensation to Indians for loss of lands	594,041.05
Conservation of health, Indians	567,740.00
Indian irrigation	129,464.00
Support of Indians	130,650.00
Operation, protection, and maintenance of public buildings, Park Service	1,086,900.00
Office of Education, including vocational education	1,398,080.00
Miscellaneous net increases	262,644.00
Total increase	6,409,519.05

The major decreases are as follows:

Petroleum Administration	\$200,000.00
General Land Office (surveying)	112,000.00
Indian industrial assistance (revolving fund)	1,437,020.00
Education of Indians	480,745.00
Total decrease	2,229,765.00
Net increase	4,179,754.05

Mr. WIGGLESWORTH. I may mention in this connection that the increase of \$850,000 for the public-works program reflects an increase of about \$2,200,000 for reclamation, less reductions in respect to roads and trails in national parks and Indian reservations.

Before we finish discussion of the bill I hope someone will explain in detail the necessity for the four substantial increases under the Indian Service amounting to over \$1,400,000. The increase of \$400,000 for grazing control represents an increase of \$250,000 for the construction and maintenance of range improvements, dependent for expenditure upon the realization of grazing fees, plus an increase of \$150,000 for examination and classification of 80,000,000 acres of land under control of this agency. Of the latter sum, about \$68,000 represents a transfer from "Classifications of lands, Geological Survey."

The Members of the House will recall that in my remarks on the floor a year ago I suggested that before creating the office of Under Secretary of the Interior Congress was entitled to some showing of necessity in the matter. I pointed out at that time that we had never had until recently more than two Under Secretaries in the Government, one in the Department of State with representatives in every part of the world and one in the Treasury Department vitally affecting the lives of all American citizens. I pointed out at that time that there had been little or no showing of necessity made before either the House or Senate committees and that the Department of the Interior was not in a position to give any information as to the assignment of duties contemplated should the office be created.

The testimony of the Secretary of the Interior before the committee this year is to the effect that no reallocation of duties among the Assistant Secretaries of the Department had been made as a result of the appointment of an Under Secretary and that no duties had been assigned to the Under Secretary up to the date of the hearings other than special assignments from time to time.

We are all familiar, I think, with the character of those assignments. It seems to me that we are today in the same position as a year ago without justification for the creation or maintenance of this office.

The National Bituminous Coal Commission appears in the bill for the first time this year. It creates a little N. R. A. in the bituminous coal field pursuant to legislation enacted after receipt of the letter of the President in which he stated:

I hope your committee will not permit doubts as to constitutionality, however reasonable, to block the suggested legislation.

Almost a million dollars is provided for this activity, with strong indication of substantial increase in the event that the Court holds the legislation constitutional. The Commission is to operate through 23 district boards. It desires a total personnel of 310 with \$200,000 or thereabouts for a legal force of 80; with \$83,000 for a statistical force of 34; and with \$18,500 for an information and editing force of 9.

Section 14 (b) of the act creating the Commission reads as follows:

Each contract made by the United States, or any department or agency thereof, with a contractor for any public work or service, shall contain a provision that the contractor will buy no bituminous coal to use on or in the carrying out of such contract from any producer, except such producer be a member of the code set out in section 4 of this act as certified to by the National Bituminous Coal Commission.

Under authority already accorded, I insert at this point two letters, the first dated November 11, 1935, addressed to the Commission by the Procurement Division of the Treasury Department, the second the reply of the Commission dated November 15, 1935:

CORRESPONDENCE RELATIVE TO INTERPRETATION AND APPLICATION OF SECTION 14 (B) OF THE BITUMINOUS COAL CONSERVATION ACT IN RELATION TO GOVERNMENT CONTRACTS

TREASURY DEPARTMENT,
PROCUREMENT DIVISION,
Washington, November 11, 1935.

CHAIRMAN, NATIONAL BITUMINOUS COAL COMMISSION,
Washington, D. C.

SIR: Reference is made to the meeting on November 11, 1935, in this division of the representatives of the several departments of the Government designated to confer with the Director of Procurement with reference to general policies pertaining to contract procedure, at which meeting were present Messrs. Hosford, Tetlow, Ansell, and Hunt, of your Commission.

At the said meeting certain questions were presented relative to the effect of the Bituminous Coal Conservation Act of 1935 upon Government contracts, and the procedure to be followed in giving effect to the act. It was agreed that the departments and establishments of the Government should follow a uniform procedure, and that for the purpose of advising Government agencies thereof your Commission should be formally requested by this Division to decide the following questions in connection with section 14 of the act, which reads as follows:

"SEC. 14. (a) No bituminous coal shall be purchased by the United States, or any department or agency thereof, produced at any mine where the producer has not complied with the provisions of the code set out in section 4 of this act.

"(b) Each contract made by the United States, or any department or agency thereof, with a contractor for any public work, or service, shall contain a provision that the contractor will buy no bituminous coal to use on or in the carrying out of such contract from any producer except such producer be a member of the code set out in section 4 of this act as certified to by the National Bituminous Coal Commission."

1. Where a coal contract, which contains the provision required pursuant to section 14 (a) of the act, is with a dealer (not the producer), what are the obligations of the contracting officer and such contractor (dealer) with respect to the determination of the origin of the coal?

2. Where a contract contains the provision required by section 14 (b) of the act, and the contractor purchases coal from a dealer (not the producer) to use on or in the carrying out of such contract, what are the obligations of the contracting officer, the contractor, and the coal dealer, with respect to the determination of the origin of the coal?

3. Which contracts (if any) are excluded from the application of section 14 (b), which refers to each contract "for any public work, or service"? For example, shall the provision required by section 14 (b) be included in—

(a) All supply contracts, whether the items are from stock or manufactured especially for the Government under Government specifications.

(b) All leases of improved premises, regardless of the origin of the funds (Government appropriation or private contribution) from which the rent is payable.

(c) All contracts for service regardless of whether it is known to the contracting officer that bituminous coal will not be used on or in the carrying out of such contract.

4. Does the term "contractor for any public work, or service", in paragraph 14 (b), extend to subcontractors, etc.? If so, what are the obligations of the contracting officer, the contractor, subcontractor, etc., and dealers from whom they purchase coal, with respect to the determination of the origin of coal used on or in the carrying out of the principal contract?

5. What is the obligation of contracting officers, before awarding contracts, with respect to the determination as to whether the lowest responsible bidder has been, or is, in default (as to the coal provision) in the performance of other contracts with the United States, or any department or agency thereof?

6. What procedure is to be followed in cases where questions arise as to whether or not there have been violations of the contract provisions relative to the use of bituminous coal, and in

cases where it is evident to the contracting officer that there have been such violations?

7. Do cooperative agreements (Agricultural Department) come under the act? It is understood that such agreements are entered into with individuals, firms, and corporations and, conceivably, may be in the nature of public work or service. However, from the very nature of the agreement there is no profit accruing to the cooperator.

8. What should be the procedure where the contract is for telephone, electric, gas, and similar service, and the contractor, which controls the source of supply, refuses to include the coal provision in the contract?

Respectfully,

H. E. COLLINS,
Acting Director of Procurement.

NOVEMBER 15, 1935.

ACTING DIRECTOR OF PROCUREMENT,

Treasury Department, Washington, D. C.

SIR: Your letter of November 11, 1935, addressed to the chairman, referring to the meeting on that day of the representatives of the several departments and other establishments of the Government designated to confer with the Director of Procurement with reference to general policies pertaining to contract procedure, at which meeting certain questions were raised relative to the applicability of the Bituminous Coal Conservation Act of 1935 to Government contracts, has been considered by the Commission.

Your letter stated that at the meeting it was agreed that the departments and establishments of the Government should follow a uniform procedure in applying the act to Government contracts, and that for this purpose the Commission should be requested by the Procurement Division to decide questions in connection with section 14 of the act.

The questions which your letter states are set out below in the order in which they appear in your letter and are answered as follows:

"1. Where a coal contract, which contains the provision required pursuant to section 14 (a) of the act, is with a dealer (not the producer), what are the obligations of the contracting officer and such contractor (dealer) with respect to the determination of the origin of the coal?"

Answer. The contracting officer must require the submission of evidence to him that all coal delivered under the contract by the dealer has been produced at a mine where the producer has complied with all the provisions of the code set out in section 4 of the act and promulgated by order of the Commission dated October 9, 1935. Satisfactory evidence of such compliance shall consist of (1) an affidavit executed by the dealer upon each delivery of coal setting forth the name of the producer thereof and (2) appearance of the name of such producer on the latest list of members of the code, issued by the Commission to the various departments and establishments of the Government. So far as the dealer's obligations are concerned, he is obviously under the duty to conform to the terms of the contract. The Commission is unable to advise you with reference to any obligations of the dealer existing outside the contract.

"2. Where a contract contains the provisions required by section 14 (b) of the act, and the contractor purchases coal from a dealer (not the producer) to use on or in the carrying out of such contract, what are the obligations of the contracting officer, the contractor, and the coal dealer, with respect to the determination of the origin of the coal?"

Answer. As in the answer to question 1, the contracting officer must require the submission of evidence to him that all coal delivered to the contractor by the dealer for use on or in the carrying out of such contract has been furnished by a producer who is a member of the code set out in section 4 of the act and promulgated by order of the Commission dated October 9, 1935. Satisfactory evidence of such membership shall consist of (1) an affidavit executed by the contractor upon each delivery of coal setting forth the name of the producer thereof and (2) an appearance of the name of such producer on the latest list of members of the code, issued by the Commission. So far as the contractor's and the dealer's obligations are concerned, they are under the duty to conform to the terms of their contracts. The Commission is unable to advise you with reference to any obligation of the contractor or of the dealer existing outside the contract.

"3. Which contracts (if any) are excluded from the application of section 14 (b) which refers to each contract 'for any public work or service'? For example, shall the provision required by section 14 (b) be included in:

"(a) All supply contracts, whether the items are from stock or manufactured especially for the Government under Government specifications.

"(b) All leases of improved premises, regardless of the origin of the funds (Government appropriation or private contribution) from which the rent is payable.

"(c) All contracts for service regardless of whether it is known to the contracting officer that bituminous coal will not be used on or in the carrying out of such contract."

Answer. The only construction which is consistent with the liberal and remedial purposes of section 14 (b) requires that that section be applied to every contract entered into by or on behalf of the Government. The transactions described in subquestions (a), (b), and (c) would therefore require the inclusion of the provision of section 14 (b).

"4. Does the term 'contractor for any public work or service', in paragraph 14 (b), extend to subcontractors, etc.? If so, what

are the obligations of the contracting officer, the contractor, subcontractor, etc., and dealers from whom they purchase coal, with respect to the determination of the origin of coal used on or in the carrying out of the principal contract?"

Answer. The term "contractor" as used in section 14 (b) applies to subcontractors. Accordingly, the obligation of the contractor under section 14 (b) extends to an obligation upon his part to require his subcontractor to buy no bituminous coal to use on or in the carrying out of the subcontract from any producer not a member of the code. So far as the obligations of the contracting officer, contractor, and subcontractor are concerned, the procedure set out in response to your questions 1 and 2, above, would appear to be sufficient.

"5. What is the obligation of contracting officers, before awarding contracts, with respect to the determination as to whether the lowest responsible bidder has been, or is, in default (as to the coal provision) in the performance of other contracts with the United States, or any department or agency thereof?"

Answer. If the name of the producer delivering coal to the contractor appears on the latest list of code members furnished by the Commission, the obligation of the contracting officer will be satisfied.

"6. What procedure is to be followed in cases where questions arise as to whether or not there have been violations of the contract provisions relative to the use of bituminous coal, and in cases where it is evident to the contracting officer that there have been such violations?"

Answer. The ultimate determination of the matter of violation is vested by the act exclusively in the Commission. Any question of violation of contract provisions required by the Coal Conservation Act of 1935 should be submitted to the Commission by the contracting officer or his proper superior. Provision should be made in each contract for the suspension of acceptance of performance in respect of the coal provisions thereunder until the Commission shall determine the fact of violation.

"7. Do cooperative agreements (Agricultural Department) come under the act? It is understood that such agreements are entered into with individuals, firms, and corporations, and, conceivably, may be in the nature of public work or service. However, from the very nature of the agreement there is no profit accruing to the cooperator."

Answer. The Commission is not now sufficiently informed in respect of the nature of "cooperative agreements (Agricultural Department)" to answer this question. It is suggested that a complete description of these transactions and of the authority therefor be submitted to the Commission so that it may undertake to respond to the question.

"8. What should be the procedure where the contract is for telephone, electric, gas, and similar service, and the contractor, which controls the source of supply, refuses to include the coal provision in the contract?"

Answer. The Commission can advise you in respect of such procedure only by reference to its answer to question 3 above.

Respectfully,

NATIONAL BITUMINOUS COAL COMMISSION,
By C. F. HOSFORD, Jr., Chairman.

The Committee will note that while the act speaks of contracts for any "public work or service" and deals with purchases from a "producer" by a "contractor", nevertheless the Commission interprets the section as applicable to every contract entered into by or for the Government as including dealers as producers and subcontractors as contractors, even down to those furnishing incidental service, such as gas or electric light.

The interpretation of the Commission seems to me extreme, to say the least. The testimony of the Chairman before the subcommittee 1 month after the writing of this letter, appearing on page 126 of the hearings, suggests that he, too, has perhaps come to this conclusion.

Many of us have felt that this legislation was unconstitutional from the outset. Regardless, therefore, of the merit of the broad objectives of the legislation, over which there would perhaps be little difference of opinion, the question presents itself if the House should appropriate the sum of a million dollars prior to action by the Supreme Court, which no doubt will be forthcoming in the near future. The House having withheld only a few days ago the appropriation for the potato-control bill, it would seem to follow that similar action should be taken in this connection.

Mr. DONDERO. Mr. Chairman, will the gentleman yield? Mr. WIGGLESWORTH. Yes.

Mr. DONDERO. I notice there is no appropriation for the Bituminous Coal Commission for 1936. Where did all the money come from to pay the expenses for this year?

Mr. WIGGLESWORTH. There has been a deficiency appropriation, and my impression is there have been certain transfers during the present year to take care of the Commission until July 1 next.

The subject of reclamation has already been discussed and time does not permit of any detailed consideration on my part. In passing, however, I may emphasize the fact that the bill provides for an increase of about \$2,200,000 as compared with the present fiscal year, not including the sum of \$64,710,000 recommended by the Budget but not considered by the committee. The record indicates that some 70,000 new acres of land have been brought into cultivation, 45,000 under the Reclamation Service, 25,000 under the Indian Office, this despite the money expended under the A. A. A. with a view to taking land out of cultivation. The total investment of the Federal Government in reclamation projects is said to be

about \$250,000,000 in respect to those constructed and about \$250,000,000 in respect to those under construction.

The National Park Service is now entrusted in large measure with the operation, protection, and maintenance of public buildings, parks, and highways. The bill reflects an increase in this respect as compared with the present year of \$1,086,900.

Under leave already accorded, I shall insert at this point in my remarks a table prepared by the National Park Service showing a list of buildings in the District of Columbia leased wholly or in part by the Government.

List of buildings in the District of Columbia leased wholly or in part by the Government, Jan. 11, 1936

Building and address	Occupants	Net square feet	Annual rental	Rental per square foot	Date of acquisition	Contract no.
Adams, 1333 F St. NW. ¹	Federal Emergency Relief Administration	850	\$1,200.00	\$1.41	July 1, 1935	
Do. ¹	Resettlement Administration	4,345	4,344.96	1.00	June 3, 1935	
Albee, 15th and G Sts. NW. ¹	Labor Department	384	480.00	1.25	Apr. 1, 1935	
Do. ¹	do.	949	1,518.48	1.60	Nov. 1, 1934	
Do. ¹	do.	351	561.80	1.60	July 7, 1934	
Do. ¹	do.	4,851	7,761.60	1.60	Apr. 6, 1934	
Total ^{1,2}		6,535	10,321.88			
Albee, 15th and G Sts. NW	Bureau of Labor Statistics (Labor)	2,082	3,000.00	1.44	Dec. 16, 1935	
Appeals, 426 5th St. NW	Soil Conservation Service (Agriculture)	2,286	2,971.80	1.30	Nov. 26, 1935	
Arlington, 1025 Vermont Ave. NW. ³	Resettlement Administration	54,696	63,500.04	1.16	Sept. 10, 1935	
Atlantic, 928 F St. NW. ⁴	Forest Service (Agriculture)	38,337	30,000.00	.7825	July 1, 1934	
Barber & Ross, 11th and G Sts. NW. ^{3,4}	Federal Communications Commission	23,082	23,082.00	1.00	Nov. 1, 1935	I-lp-4908.
Barber & Ross warehouse, 4th and Bryant Sts. NE.	Resettlement Administration	8,824	3,100.00	.35	Nov. 18, 1935	
Do.	do.	2,952	900.00	.305	Dec. 18, 1935	
Total		11,776	4,000.00			
Barr, 910 17th St. NW. ¹	Reconstruction Finance Corporation	2,037	3,720.00	1.826	Feb. 25, 1935	
Do.	do.	1,701	3,060.00	1.80	Oct. 1, 1935	
Total		3,738	6,780.00			
Barr, 910 17th St. NW. ¹	Special Mexican Claims Commission	2,296	3,900.00	1.6986	Aug. 16, 1935	I-lp-4886.
Do. ¹	do.	231	300.00	1.30	Sept. 1, 1935	I-lp-4893.
Total		2,527	4,200.00			
Barr, 910 17th St. NW. ¹	Commerce Department	16,457	24,544.50	1.49	July 1, 1934	I-lp-2465.
Do.	do.	829	1,380.00	1.6646	Mar. 8, 1935	
Total ³		17,286	25,924.50			
Barr, 910 17th St. NW. ¹	American Commission on Mexican Claims	1,000	1,490.04	1.49	Nov. 1, 1934	I-lp-2985.
Do. ¹	do.	154	308.04	2.00	Dec. 4, 1935	I-lp-4912.
Total		1,154	1,798.08			
Barr, 910 17th St. NW. ¹	Export-Import Bank	6,361	9,541.50	1.50	Nov. 1, 1935	I-lp-2465.
Bond, 14th St. and New York Ave. NW. ¹	National Park Service (Interior)	425	722.52	1.70	July 1, 1935	I-lp-3466.
Do. ¹	do.	1,051	1,786.68	1.70	do.	I-lp-3468.
Do. ¹	do.	1,852	3,075.36	1.66	May 15, 1935	I-lp-3406.
Do. ¹	do.	3,236	4,900.56	1.5147	Feb. 1, 1935	I-lp-3385.
Do. ¹	do.	1,735	2,613.96	1.5066	Mar. 15, 1935	I-lp-3388.
Do. ¹	do.	5,319	7,437.49	1.3982875	Mar. 1, 1935	I-lp-2987.
Do. ¹	do.	1,606	2,832.06	1.45	Jan. 18, 1935	I-lp-3382.
Do. ¹	do.	245	342.48	1.398	Sept. 16, 1935	I-lp-4900.
Do. ¹	do.	496	843.24	1.70	Oct. 4, 1935	I-lp-4899.
Total		15,965	24,554.35			
Bond, 14th St. and New York Ave. NW. ¹	Resettlement Administration	217	368.88	1.70	July 1, 1935	I-lp-3467.
Do. ¹	do.	1,922	2,687.51	1.3982875	Mar. 15, 1935	I-lp-2987.
Do. ¹	do.	770	1,211.70	1.574	Jan. 18, 1935	I-lp-3382.
Total		2,909	4,268.09			
Bragg, 12th and G Sts. NW. ³	Bureau of Internal Revenue (Treasury)	1,490	999.96	.67	Oct. 15, 1935	I-lp-4902.
43, 45, 47, and 49 Capitol Court SW. ^{3,4}	Department of Agriculture	2,500	900.00	.36	Dec. 16, 1935	
Carpenters, 10th and K Sts. NW. ¹	Federal Power Commission	11,443	12,282.96	1.073	May 1, 1934	I-lp-3449.
Do. ¹	do.	1,642	1,041.96	1.00	Aug. 1, 1934	I-lp-2470.
Do. ¹	do.	1,729	2,161.20	1.25	Dec. 1, 1935	I-lp-4913.
Total		14,214	15,486.12			
Carry, 927 15th St. NW. ¹	National Bituminous Coal Commission	6,713	9,398.16	1.40	Oct. 16, 1935	I-lp-4901.
Do. ¹	do.	756	1,058.40	1.40	Dec. 2, 1935	I-lp-4910.
Do. ¹	do.	89	124.56	1.40	Dec. 19, 1935	I-lp.
Total		7,558	10,581.12			
Columbian, 416 5th St. NW. ¹	Soil Conservation Service (Agriculture)	1,265	1,770.96	1.40	May 31, 1935	
Do. ¹	do.	4,749	6,648.60	1.40	May 6, 1935	
Do. ¹	do.	210	294.00	1.40	July 22, 1935	
Do. ¹	do.	940	1,316.04	1.40	July 25, 1935	
Do. ¹	do.	2,521	3,529.44	1.40	July 15, 1935	
Do. ¹	do.	209	292.56	1.40	Aug. 21, 1935	
Do. ¹	do.	372	520.80	1.40	Sept. 16, 1935	
Do. ¹	do.	421	589.44	1.40	Sept. 12, 1935	
Do. ¹	do.	404	565.56	1.40	Sept. 11, 1935	
Do. ¹	do.	227	317.76	1.40	Nov. 2, 1935	
Do. ¹	do.	204	285.60	1.40	Dec. 9, 1935	
Do. ¹	do.	204	285.60	1.40	Dec. 23, 1935	
Total		11,726	16,416.36			

[Footnotes at end of table]

List of buildings in the District of Columbia leased wholly or in part by the Government, Jan. 11, 1936—Continued

Building and address	Occupants	Net square feet	Annual rental	Rental per square foot	Date of acquisition	Contract no.
Commercial National Bank, 14th and G Sts. NW. ¹	National Emergency Council	22,343	\$39,100.25	\$1.75	Jan. 1, 1935	
1108 Connecticut Ave. NW. ³	Resettlement Administration	1,429	1,200.00	.839	Oct. 18, 1935	
Courts, 6th and Indiana Ave. NW. ⁹	Department of Agriculture	5,373	8,400.00	1.56	Jan. 4, 1936	
119 D St. NE. ¹³	General Accounting Office	35,688	40,187.55	.701	Dec. 27, 1933	
Do. ¹³	Loans and Currency (Treasury)	21,610				
DeMott, 12th and G Sts. NW. ¹	Internal Revenue (Treasury)	15,243	15,243.00	1.00	May 18, 1934	I-lp-3450.
Denrike, 1010 Vermont Ave. NW. ¹	National Labor Relations Board	10,418	17,096.76	1.64	Sept. 10, 1935	
District National Bank, 1406 G St. NW. ¹	Treasury Department	470	705.00	1.50	Aug. 16, 1935	
do.	do.	3,535	5,302.50	1.50	Apr. 15, 1935	
Total.		4,005	6,007.50			
801 E St. NW. ³³⁴	Agricultural Adjustment Administration	20,424	18,000.00	0.881	Dec. 1, 1934	I-lp-2998.
1345 E St. NW. ³	Bureau of Public Roads (Agriculture)	7,544	7,674.00	1.0172	Oct. 7, 1935	I-lp-4911.
Evans, 1420 New York Ave. NW. ¹	Bureau of Customs (Treasury)	5,234	5,233.92	1.00	Mar. 18, 1934	I-lp-3452.
Do.	Resettlement Administration	5,870	6,750.48	1.15	Dec. 5, 1935	
Evening Star, 11th St. and Pennsylvania Ave. NW. ¹	Federal Communications Commission	4,226	6,032.16	1.427	May 15, 1935	
920 F St., NW. ⁴	Forest Service (Agriculture)	1,230	600.00	.4878	July 1, 1917	
1417-1419 F St. NW. ³³⁴	Works Progress Administration	11,000	22,500.00	2.045	May 4, 1935	
1423 F St. NW. ³³	National Emergency Council	9,000	15,000.00	1.667	Apr. 25, 1935	
1724 F St. NW. ³³¹	Bureau of Census (Commerce)	39,872	24,592.00	.617	Feb. 1, 1935	
Federal Housing Administration, 1001 Vermont Ave. NW. ³¹	Federal Housing Administration	100,414	155,000.00	1.5436	Jan. 24, 1935	
50 Florida Ave. NE	Alcohol Tax Unit (Treasury)	2,500	1,200.00	.48	July 1, 1934	
60 Florida Ave. NE. ³³¹	War Department	27,200	10,000.03	.367	May 12, 1935	I-lp-3455.
1328 G St. NW. ³³	Resettlement Administration	4,000	4,800.00	1.20	June 17, 1935	
Do. ³³	Works Progress Administration	8,536	6,000.00	.7029	Nov. 1, 1935	
1340 G St. NW. ³	Works Progress Administration	8,360	13,749.96	1.64473	Sept. 1, 1935	
1342 G St. NW. ³	do.	3,190	3,000.00	.94	July 1, 1935	
1712-1722 G St. NW. ³³¹	Shipping Board Bureau (Commerce)	72,938	53,000.04	.725	Feb. 1, 1935	I-lp-2979.
1415 H St. NW. ⁷	Public Works Administration	6,347	6,000.00	.945	Mar. 4, 1935	
1510 H St. NW. ⁴	Federal Housing Administration	8,738	9,611.76	1.10	July 8, 1935	
1825 H St. NW. ³³¹	Reconstruction Finance Corporation	150,867	132,474.96	.847	June 20, 1934	I-lp-2431.
do. ³³¹	Commodity Credit Corporation	5,552				
Hill, 839 Seventeenth St. NW. ¹	Reconstruction Finance Corporation	14,958	22,267.56	1.48867	July 1, 1935	
Do. ¹	do.	264	396.00	1.50	Nov. 2, 1935	
Do. ¹	do.	522	783.00	1.50	Jan. 2, 1936	
Do. ¹	do.	970	1,860.00	1.9175	do.	
Total.		16,714	25,306.56			
Hitz, 1106 Connecticut Ave. NW. ¹	Reconstruction Finance Corporation	7,163	9,000.00	1.256	July 1, 1935	
Hurley-Wright, 18th St. and Pennsylvania Ave. NW. ¹³³	Indian Office (Interior)	35,090				
Do. ¹³³	Bureau of Education (Interior)	30,069	57,000.00	.87478	July 5, 1933	I-lp-3442.
1004 I St. NW. ¹	Forest Service (Agriculture)	489	1,000.00	2.045	July 1, 1929	
Investment, 15th and K Sts. NW. ¹	State Department	7,661	13,406.75	1.75	July 1, 1935	
Do. ¹	National Bituminous Coal Commission	4,277	7,484.76	1.75	Nov. 20, 1935	I-lp-4904.
Do. ¹	Commerce Department	5,143	9,000.00	1.75	Nov. 10, 1934	
Do. ¹	do.	2,105	3,683.75	1.75	Feb. 1, 1934	
Do. ¹	do.	667	1,167.25	1.75	Mar. 1, 1934	
Do. ¹	do.	15,859	27,753.25	1.75	Jan. 16, 1934	
Total.		23,774	41,604.25			
2214 M St. NW. ³³	Resettlement Administration	9,317	6,960.00	.747	Dec. 10, 1935	
220 John Marshall Pl. NW. ³	Resettlement Administration	3,350	1.00	.0003	Nov. 1, 1935	
1415 K St. NW.	Bureau of Public Roads (Agriculture)	5,374	8,061.00	1.50	Oct. 10, 1935	I-lp-4897.
1435 K St. NW. ¹³³	Panama Canal	15,000	15,000.00	1.00	July 1, 1935	I-lp-4887.
1518 K St. NW. ¹	Rural Electrification Administration	7,144	11,414.40	1.60	Sept. 14, 1935	
Do. ¹	do.	3,488	5,580.84	1.60	Nov. 15, 1935	
Total.		10,632	16,995.24			
Kellogg, 1416 F St. NW. ⁴	Bureau of Public Roads (Agriculture)	4,715	6,129.50	1.30	June 1, 1935	I-lp-3405.
LaSalle, Connecticut Ave. and L St. NW. ¹	Commerce Department	49,416	69,182.40	1.40	Jan. 5, 1935	
Leary Garage, 24th and M Sts. NW. ¹³³	War Department	53,000	15,000.00	.283	Aug. 1, 1935	I-lp-4868.
Lemon, 1729 New York Ave. NW. ¹³³	Petroleum Administrative Board (Interior)	10,677	8,840.04	.40230	July 1, 1928	I-lp-3453.
Lenox, 1523 L St. NW. ³¹	Commerce Department	11,298	10,462.00	1.00	Mar. 21, 1934	
Lincoln, 514 10th St. NW. ¹	Bureau of Internal Revenue (Treasury)	6,234	5,147.40	.8257	Oct. 19, 1934	I-lp-2991.
Do. ¹	do.	4,674	3,859.32	.8257	Sept. 5, 1934	I-lp-2992.
Do. ¹	do.	1,554	1,283.16	.8257	Jan. 9, 1935	I-lp-3377.
Do. ¹	do.	1,476	295.20	.20	Feb. 4, 1935	I-lp-3379.
Total.		13,938	10,585.08			
2513 M St. NW. ³³	Department of Agriculture	2,200	1,000.00	.4545	July 2, 1917	
Marine Corps garage, 26th St. between E and F Sts. NW. ³	U. S. Marine Corps	15,000	4,050.00	.27	July 1, 1932	
Maryland, 1410 H St. NW. ⁴	Resettlement Administration	3,054	3,600.00	1.17878	June 26, 1935	
Do. ⁴	do.	860	999.96	1.1627	Sept. 16, 1935	
Total.		3,914	4,599.96			
2000 Massachusetts Ave. NW. ³³¹	Rural Electrification Administration	11,956	15,750.00	1.568	May 18, 1935	
2020 Massachusetts Ave. NW. ³³	Resettlement Administration	19,242	19,242.00	1.00	July 22, 1935	
Mather, 916 G St. NW. ⁴	do.	6,051	7,624.32	1.26	Sept. 17, 1935	
Do. ⁴	do.	6,427	6,941.16	1.08	July 29, 1935	
Do. ⁴	do.	11,842	12,789.36	1.08	June 4, 1935	
Total.		24,320	27,354.84			
Mather, 916 G St. NW. ⁴	U. S. Employees' Compensation Commission	2,626	1,313.04	.50	Aug. 4, 1935	
Do. ⁴	U. S. Civil Service Commission	1,045	1,201.80	1.15	July 22, 1935	I-lp-4881.
Do. ⁴	do.	16,035	16,997.04	1.06	Aug. 28, 1934	I-lp-2974.
Total.		17,080	18,198.84			
McGill, 906 G St. NW. ⁷	Bureau of Mines (Interior)	19,417	19,416.96	1.00	Mar. 1, 1934	I-lp-3448.
McKinley, American University ³³³	Bureau of Chemistry and Soils (Agriculture)	65,633	12,800.00	1.9496	July 1, 1921	
McLean, 1500 I St. NW. ³³	Works Progress Administration	20,000	25,000.00	1.25	Sept. 15, 1935	
McReynolds Garage, Kansas Ave. and Upshur St. NW. ¹³³	Veterans' Administration	43,723	12,825.00	.2933	Sept. 16, 1933	I-lp-2425.
Mills, 17th St. and Pennsylvania Ave. NW. ¹	Turkish Claims Commission	837	1,200.00	1.541	Apr. 1, 1935	I-lp-3391.

[Footnotes at end of table]

List of buildings in the District of Columbia leased wholly or in part by the Government, Jan. 11, 1936—Continued

Building and address	Occupants	Net square feet	Annual rental	Rental per square foot	Date of acquisition	Contract no.
Moses, 11th and F Sts. NW. ^{1,4}	General Accounting Office	97,378	\$112,071.96	\$1.15	Aug. 23, 1935	I-p-4894.
Munsey, 1329 E St. NW	Puerto Rico Reconstruction Administration	2,994	7,500.00	2.505	Nov. 2, 1935	
National Press, 14th and F Sts. NW. ¹	Works Progress Administration	600	1,440.00	2.40	Aug. 16, 1935	
National Savings & Trust, 15th St. and New York Ave. NW. ¹	Federal Deposit Insurance Corporation	31,807	54,071.90	1.70	Oct. 1, 1933	
National Union Building, 918 F St. NW. ⁴	Resettlement Administration	1,192	1,609.20	1.35	Jan. 8, 1935	
1214 New Hampshire Ave. NW. ^{1,2}	U. S. Employment Service (Labor)	3,848	3,921.00	1.019	July 26, 1935	
	Forest Service (Agriculture)	528	696.00	1.32	July 1, 1934	
	Veterans' Administration	23,414	6,300.00	.269	Sept. 16, 1933	I-p-3434.
Octagon House, 1741 New York Ave. NW. ⁴	Public Works Administration	593	560.39	.945	Mar. 4, 1935	
	do	590	557.55	.945	Jan. 26, 1935	
Total		1,183	1,117.94			
Otis, 810 18th St. NW. ⁷	War Department	14,344	18,747.60	1.307	Dec. 15, 1933	I-p-4866.
Ouray, 801 G St. NW. ¹	Resettlement Administration	17,567	22,385.16	1.275	Jan. 1, 1936	
Do. ¹	U. S. Employees' Compensation Commission	3,511	3,862.08	1.10	July 1, 1935	
1653 Pennsylvania Ave. NW. ⁴	Indian Affairs (Interior)	652	734.86	1.12694	June 1, 1935	I-p.
Do. ⁴	Soil Conservation Service (Agriculture)	2,636	2,755.20	1.045	Nov. 25, 1935	
1778 Pennsylvania Ave. NW. ^{1,2}	Securities and Exchange Commission	134,149				
Do. ^{1,2}	Bureau of Education Library (Interior)	9,027	118,149.96	.797	Nov. 10, 1934	P. B. P. 828
Do. ^{1,2}	Indian Affairs (Interior)	5,075				
Premier, 718 18th St. NW. ^{1,2}	Federal Trade Commission	17,600	25,143.00	1.4286	Dec. 21, 1935	I-p.
Printercraft, 930 H St. NW. ¹	Federal Power Commission	8,085	7,276.44	.90	May 1, 1934	I-p-4865.
Do. ¹	do	1,075	967.56	.90	Oct. 16, 1934	I-p-2983.
Do. ¹	do	5,387	4,848.36	.90	Sept. 25, 1934	I-p-2978.
Do. ¹	do	5,227	4,704.36	.90	June 11, 1934	I-p-2953.
Do. ¹	do	8,744	9,618.40	1.10	Nov. 10, 1935	I-p.
Total		28,518	27,415.12			
Printercraft, 930 H St. NW. ¹	Soil Conservation Service (Agriculture)	1,927	1,665.00	.864	Nov. 5, 1935	
Do. ¹	do	6,628	6,627.96	1.00	Nov. 1, 1935	
Total		8,555	8,292.96			
Pythian, 12th and U Sts. NW	Resettlement Administration	19,823	6,600.00	.333	Nov. 1, 1935	
Radcliffe, 907 16th St. NW. ^{4,6}	Prison Industries Reorganization Administration	5,115	6,420.00	1.255	do	
Rizik, 1737 L St. NW. ^{2,6}	Resettlement Administration	15,983	10,800.00	.6757	Oct. 15, 1935	
Rochambeau and Annex, 815 Connecticut Ave. NW. ^{2,6}	Federal Trade Commission	80,750	115,625.00	1.43	Jan. 6, 1936	I-p.
Shoreham, 15th and H Sts. NW. ¹	Federal Reserve Board	26,384	46,714.10	1.77	Mar. 1, 1934	
401 South Capitol St. ⁵	National Park Service	55,080	26,680.75	.484	Aug. 10, 1935	I-p-4869.
South Capitol and Canal Sts. ⁵	Resettlement Administration	39,253	22,029.84	.5612	Nov. 1, 1935	
Sparks Garage, 1126 21st St. NW. ^{1,2,6}	National Park Service	60,784	28,899.96	.475	Sept. 10, 1930	I-p-2420.
Standard Oil, 261 Constitution Ave. NW. ¹	Soil Conservation Service (Agriculture)	293	498.12	1.70	July 22, 1935	
Do. ¹	do	998	1,696.56	1.70	Sept. 1, 1934	I-p-3383.
Do. ¹	do	2,776	4,719.24	1.70	Feb. 4, 1935	I-p-3384.
Do. ¹	do	12,507	21,261.96	1.70	Aug. 8, 1934	I-p-2982.
Do. ¹	do	1,618	2,750.64	1.70	Oct. 5, 1934	I-p-2995.
Do. ¹	do	6,423	10,919.16	1.70	Mar. 30, 1935	I-p-3393.
Total		24,615	41,845.68			
Standard Oil, 261 Constitution Ave. NW. ¹	Home Owners' Loan Corporation	11,450	19,465.00	1.70	Nov. 9, 1933	
Tower, 14th and K Sts. NW. ¹	Electric Home and Farm Authority	3,723	6,031.32	1.62	Sept. 1, 1935	
Do. ¹	Bureau of Narcotics (Treasury)	14,022	23,838.30	1.70	July 1, 1935	
Do. ¹	Committee on Enrollment and Disbarment (Treasury)	2,412	3,907.44	1.62	do	
Do. ¹	Railroad Retirement Board	7,712	12,493.44	1.62	Sept. 24, 1934	
1212 V St. NW. ⁶	Federal Emergency Relief Administration	6,000	2,880.00	.48	July 24, 1935	
1020 Vermont Ave. NW. ⁶	Federal Housing Administration	3,693	5,650.32	1.53	Aug. 22, 1935	
1126 Vermont Court ³	Panama Canal	13,631	1,800.00	.132	July 1, 1935	I-p-4880.
Victor, 724 9th St. NW. ¹	Forest Service (Agriculture)	18,219	17,153.03	.94	Aug. 16, 1933	
Walker-Johnson, 1734 New York Ave. NW. ^{1,2,6}	Works Progress Administration	84,047	50,000.00	.5949	June 13, 1934	
Washington Auditorium, 19th and E Sts. NW. ^{1,2,6}	Federal Emergency Relief Administration	70,000	50,000.00	.7143	June 9, 1936	
Washington Bldg., 15th St. and New York Ave. NW. ¹	Resettlement Administration	9,841	21,278.04	2.16	Aug. 3, 1935	
	Bureau of Customs (Treasury)	26,167	45,792.24	1.75	Mar. 12, 1934	I-p-3451.
	Federal Reserve Board	18,791	43,039.69	2.29	Aug. 4, 1934	
Washington Loan & Trust, 9th and F Sts. NW. ¹	Bureau of Mines (Interior)	15,698	19,622.52	1.25	Mar. 1, 1934	I-p-4885.
Willard, 513 14th St. NW. ^{1,2,6}	Bureau of Public Roads (Agriculture)	26,543	15,000.00	.565	Apr. 1, 1915	
1248 4th St. NE	Resettlement Administration	1,000	2,400.00	2.40	Nov. 1, 1935	
826 7th St. NW	do	10,683	11,000.04	1.03	Nov. 16, 1935	
1918 10th St. NW. ^{4,6}	Interstate Commerce Commission	39,000	26,500.00	.679	Jan. 1, 1936	I-p.
502 13th St. NW	Soil Conservation Service (Agriculture)	1,400	2,100.00	1.50	July 1, 1935	
	do	1,400	2,100.00	1.50	July 17, 1935	
	do	1,195	1,922.04	1.6084	Sept. 23, 1935	
Total		3,995	6,122.04			
509 14th St. NW. ^{1,2}	Bureau of Public Roads (Agriculture)	6,540	6,000.00	.9174	Sept. 1, 1934	
821 15th St. NW. ^{1,7}	Resettlement Administration	10,446	12,500.04	1.20	June 15, 1935	
1200 15th St. NW	U. S. Coast Guard, Treasury	13,364	33,283.60	2.49	Aug. 5, 1935	
532 17th St. NW. ⁴	Federal Emergency Relief Administration	1,031	900.00	.8729	Mar. 25, 1935	
1503 21st St. NW. ^{3,6}	Resettlement Administration	5,500	3,863.52	.70	July 1, 1935	
501-513 26th St. NW. ³	do	22,200	6,300.00	.28378	June 5, 1935	
510 26th St. NW. ³	do	8,646	4,200.00	.486	Oct. 28, 1935	
517 26th St. NW. ^{3,6}	do	5,000	1,800.00	.34	Oct. 8, 1935	
Total		2,610,636	2,564,834.25			

¹ Fireproof, with fireproof protection equipment.² Space transferred from N. R. A. to Labor Department, Jan. 1, 1936.³ Maintained by Government.⁴ Nonfireproof, with fire-protection equipment.⁵ Space transferred from N. R. A. to Commerce Department, Jan. 1, 1936; 16,457 square feet to be re-leased to Resettlement Administration.⁶ Leased in entirety.⁷ Fireproof, without fire-protection equipment.⁸ Space transferred from N. R. A. to Commerce Department Jan. 1, 1936, to be vacated approximately Jan. 25; approximately 14,000 square feet of this space to be re-leased by the National Bituminous Coal Commission.⁹ Space transferred from N. R. A. to Commerce Department Jan. 1, 1936.¹⁰ Space transferred from N. R. A. to Commerce Department Jan. 1, 1936, and to be vacated approximately Jan. 15 and re-leased by the Bureau of Public Roads, Department of Agriculture.

The Members of the House will note that over 40 private residences in addition to some 46 standard office buildings are included in the list, rent as high as \$2.50 per square foot being paid for some of these residences. As of December 1, 1932, the Government rented space in the District to the extent of 1,123,847 square feet. Today the figure is 2,610,636 square feet, calling for an annual expenditure of \$2,564,834.

Information as to space rented outside of the District is not available through the Park Service. I assume that when available it will show an equally striking expansion.

I hope that someone will tell the committee something of the Matanuska colonization project, giving some idea of the total expense involved in the undertaking and the chance of its success. From the Budget it appears that some \$671,500 is available out of emergency funds for the construction of roads to Matanuska or in the Matanuska Valley. This represents an expenditure of over \$4,000 per family on the basis of 166 out of 204 families said to have remained in the valley. Further expense is reflected in the furnishing of all the essentials of life which seem to have been made available to the colony.

Last year having been moving year, this year being clearing year, it will presumably be 3 years before, in terms of production, we can estimate the chances of success. The record indicates that the growing season is 120 days and that only 10 percent of the people in the colony have ever actually made a living on a farm at any time previously in their lives.

The testimony of Dr. Gruening, Director of the Division of Territories and Island Possessions, indicates that the project is the beginning of a colonization program to be carried on during the next 5 years. Also, that the colony reflects the President's desire to get more people up there for various reasons, including military defense. I cannot but read this testimony in the light of the statement of the gentleman from Washington appearing in the hearings to the effect that he has been informed that one of the colonists sent to Matanuska had a wooden leg from the hip down, that several had bad cases of diabetes, that there was a case or two of pernicious anemia, and that several others were tubercular to the point where a couple of them had one lung just about entirely gone.

My time is limited, and I do not want to trespass on that of one or two of my colleagues who desire to speak on the bill this morning. I shall therefore confine the remainder of my remarks to the Office of Education.

Some of you have no doubt received a request from the Commissioner of Education for a list of so-called forums in your State or district. I confess that in spite of the testimony of the Commissioner in this connection I am still in doubt as to just what his definition of a "forum" is. The fact remains, however, that in his judgment the creation of forums throughout this Nation is a vital need in the field of education and that he would like to have appropriated a sum of, say, \$7,000,000 for the creation of forums over a period of 3 years. No money is carried in this bill for this purpose. I may point out, however, that about one-third of a million dollars is said to have been made available out of emergency funds for the creation of 10 of these forums in the near future on an experimental basis for a period of from 5 to 8 months. Confronted as we are with the possible expenditure during the next fiscal year of some \$11,700,000,000 and a possible deficit in the absence of drastically increased taxation or resort to unexpended balances amounting to over \$6,000,000,000, it does seem to me that this is one item that might properly be deferred until better times.

I turn now to the matter of vocational education, conducted under the supervision of the Office of Education, and wish to state that in my judgment the evidence indicates that there has been a totally inadequate supervision of vocational education programs in this country and the expenditure of Federal funds in that connection. I refer particularly to the so-called plant-training programs which have been set up in this country recently, particularly in some of

the Southern States. It appears that there have been many complaints directed at these vocational-training programs—complaints from organized labor, complaints from industry, complaints from other sources—and that as a result of these complaints in February last, just about a year ago, it was decided to conduct an investigation into the matter, one investigator being appointed by the Department of Labor, another being appointed by the Office of Education. These investigators conducted an investigation covering some 13 plant-training programs under public supervision and control, 7 day trade schools under similar control, and 3 plant-training programs supervised and financed entirely by the firms concerned. The investigation was limited to the garment and textile field, and a report was submitted on June 8 last. That report has never been made public.

Without going into detail, and without inferring that all of the elements I am going to speak of occurred in each instance, I may say that the report indicates, among other things, that all sorts of inducements have been held out to industrial plants to move into certain States, particularly in the South. These inducements have included the gift of factory buildings, the assurance of exemption from local and State taxation, the promise of labor trained partly at public cost, and the striking fact is that these plant-training schools to which I have referred, reimbursed out of State and Federal funds, under the Smith-Hughes Act, have been a definite feature in the inducements which have been offered.

Now, what have these plant-training programs amounted to? From the report it appears that the instructors in various instances have not been instructors at all in the accepted sense of the word. They have been foremen or managers or employees of less experience, from the firm for which the particular school has been operated. Students have been obtained locally and instructed in schools conducted in the plant of the firm for which they have been taught. Courses have consisted in the training for no more than a single operation in the course of the manufacturing process of the plant operating the school.

If we look at the question of wages, we find that the so-called students have been compelled to work for as much as 6 to 9 months at a time without receiving a single cent, and thereafter on a basis of partial payment only. Raw materials have been advanced by the firm interested, and the finished commodity has been offered in the general market in competition with legitimate enterprise in other States of the Union.

Mrs. KAHN. Will the gentleman yield?

Mr. WIGGLESWORTH. I am glad to yield to my colleague from California.

Mrs. KAHN. Is it not a fact that there are no academic or cultural subjects taught, but purely mechanical subjects, and that many of the operators in these schools—because they are nothing but operators—are children, and that this is a way of avoiding the child-labor law?

Mr. WIGGLESWORTH. I would say to my colleague that it is certainly true, in instances included in the report, that there has been no related instruction whatever.

Mrs. KAHN. It is merely a mechanical school, where they are taught the principles of this trade for a number of months, and their services are given free, and many of them are minors whose parents sign contracts, relieving the workmen's compensation act of responsibility in case of accident?

Mr. WIGGLESWORTH. I cannot say to what extent the students have been minors.

Mrs. KAHN. But there are minors.

Mr. WIGGLESWORTH. But I do know that the report indicates that students at those schools have been required to sign exemptions from the applicable workmen's compensation act.

Mrs. KAHN. And the State of Mississippi has a number of cities in which a number of these training schools are being operated.

Mr. WIGGLESWORTH. I want to say, Mr. Chairman, that the impetus for these so-called training schools appears

to have come through State departments of education, local schools being used as disbursing agencies, pay rolls being advanced subject to reimbursement from State and Federal funds. Also that the investigators found that 10 out of 12 plants examined had moved during the last 2 years, 3 of them having operated previously with prison labor, 1 of them having moved out of the State of Connecticut, where it had experienced serious labor difficulty.

Mr. Chairman, the investigators who made the report to which I have referred concluded their report by stating that the conditions under which these plant-training programs were operated and the reasons given for promoting them suggest certain questions. Rather than take the time to read those questions, I ask unanimous consent to insert them in my remarks at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The questions suggested:

1. Can training solely on the repetitive performance of a single operation according to a method used in a single plant with the object of obtaining sufficient speed on production to become an asset to a company be classified as vocational education reimbursable under the Smith-Hughes Act?
2. What is the difference between "vocational training" given according to factory production methods with no related instruction and the initial training given any inexperienced worker on entrance to employment?
3. Is it sound public policy to use Federal money for reimbursing the salaries paid instructors of vocational education:
 - (1) When this instructor is a foreman engaged in production and instruction is only incidental to the job?
 - (2) When a mechanic engaged in installing and servicing machines is appointed as an instructor?
 - (3) When the funds are used to offset in part the fee of an industrial engineering firm by naming as a teacher an employee of that firm which is installing an efficient system of production?
4. Should persons who have had from 3 to 6 weeks experience in a plant-training program and no experience in a trade be considered eligible for appointment and temporary certification as vocational teachers when Federal approval of a State plan is contingent upon requiring 2 years or more of experience in the trade above apprenticeship level for a vocational teacher?
5. Has the Vocational Division of the Office of Education any responsibility for expenditures made by the State boards out of State funds appropriated by the legislatures for the same general purposes as the Federal funds and included in the annual reports?
6. Does the fact that Federal funds are not being used release the Federal Division of Vocational Education from all responsibility for maintaining educational standards in programs promoted by State departments administering grants in aid to State?
7. Have public-school officials administering a program of vocational education any responsibility for upholding the reputation for integrity accorded the public-school system by informing local school boards as to what vocational education is and the purpose of a vocational training school?
8. Can a plant-training school, where the superintendent of schools must request permission from the plant officials and the local chamber of commerce for authority to take an agent of the United States Office of Education into the training class, be considered under public supervision and control?
9. Under standard-line production an operative is normally trained to piece-rate standards in a period not to exceed 2 weeks. What justification is there for a public school prolonging such training for a period from 6 to 12 weeks?
10. Is a State supervisor of trade and industrial education under obligation to finance any training program requested by a taxpayer, provided an unexpended balance of State or Federal funds is available?
11. Since vocational education deals with the training of workers, should some provision be made in each State for the official representation of labor on the State board for vocational education?
12. Is the argument that persons are being taken off of relief and given jobs a valid reason for promoting and subsidizing the plant-training programs described in this report?
13. If the relief argument justifies a subsidy of a training program in a community which the industry is entering does the United States Government have any responsibility and official concern for the plight of the skilled workers thrown out of work in the community the industry left?
14. What training is a legitimate charge against industry on the one hand, and what training is a legitimate charge against the public-school funds on the other?
15. What can be done to coordinate the activities of the various Federal departments, so that one branch of the United States Government does not sanction practices which, in effect, assist in breaking down standards which have been established by other branches of the United States Government to eliminate unfair competition and to safeguard conditions of employment?

Mr. WIGGLESWORTH. Mr. Chairman, the report recommends a review of all the facts with a view to determin-

ing upon a national policy for the safeguarding of Federal grants in aid and the maintenance of acceptable standards in the application and promotion of educational programs.

I call the attention of the House in this connection to the views of Mr. Green, president of the American Federation of Labor. Writing to the Commissioner of Education under date of November 5, 1935, Mr. Green stated, in part, as follows:

It seems to me that the Federal Board for Vocational Education should review the whole field of vocational training with a view to restating purposes and standards. * * * It seems to me imperative that the reorganized Board for Vocational Education should set up some very definite standards for the expenditure of Federal funds. It does not seem to me that the Federal authority has assumed its full responsibility unless it provides the standard for guiding local projects in vocational education.

Mr. Chairman, I merely desire to state that I find myself in entire accord with the views expressed by Mr. Green in this connection.

Mr. Chairman, the report raises squarely the question of legality insofar as Federal funds have participated in these programs. The extent to which they have participated is not clear, but to the extent that they have participated in programs which do not fall within the proper definition of the term "vocational education", the participation seems to be clearly illegal and without justification.

The report also suggests the possibility of serious abuse in the use of vocational funds, in effect, as a subsidy to industrial plants in the South in competition with industrial plants throughout the Nation. It indicates the existence of intolerable conditions for the workers in those plants and resulting exploitation of labor. It raises squarely the whole question of the responsibility of the Federal Government for the safeguarding of grants in aid, and for the maintenance of proper standards for vocational programs.

I mention in passing, Mr. Chairman, that the Assistant Commissioner in charge of this work stated to the subcommittee that there were but four inspectors to supervise the Federal vocational education programs throughout this country; that they were physically unable to visit all the schools which are federally aided; that they visited one group one year and another group another year. Nevertheless, he went on to say that he felt—

That we are adequately complying with the provision in the act which states that we shall annually ascertain whether or not the States are using these funds in accordance with the provisions of the act of Congress.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. FITZPATRICK. What is the total number of people attending these schools throughout the United States?

Mr. WIGGLESWORTH. I am sorry I cannot give the gentleman detailed figures in that respect.

Mr. FITZPATRICK. It would be very important to show whether they were a menace in certain States or not.

Mr. WIGGLESWORTH. I agree with the gentleman.

Mrs. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mrs. KAHN. It might be well to add that the report has not been published. It is very difficult to get a copy of it or even a sight of it. This report was made by Miss Burdick and Miss Scandrett, one from the Department of Labor, the other from the Office of Education. The report has not been published, but some who were fortunate enough to get a sight of it have been scandalized by its revelations, for it shows that this system is practically an exploitation of labor, an exploitation of child labor. I think the whole picture should be opened up, because I understand that factories have been induced to move from New England to the South; they have been assured they would be free of labor troubles, that their plants would not be unionized. In a number of instances where plants have had labor trouble they have come forward and offered to move them. They have been moved to Mississippi, particularly from the New England States. I think Willimantic, Conn., is one place from which a plant was moved to a location in Mississippi on account of labor trouble. I am sure the Office of Education, through its Division on

Vocational Training, even if it has not used Federal funds, has lent moral support to this type of vocational training where children and young people are brought into these factories for 6 long months and made to waive provisions of the Workmen's Compensation Act. Their training is not broad; it involves one operation only.

Mr. FITZPATRICK. That is why we should find out the number of people involved.

Mr. WIGGLESWORTH. I agree with the gentleman.

Mr. FITZPATRICK. But we have been making this appropriation for vocational training for many years.

Mr. WIGGLESWORTH. The criticism I am making goes to the supervision and the application of funds.

Mr. FITZPATRICK. We have been appropriating for this item for many years.

Mr. WIGGLESWORTH. We do not know how long this phase of it has been going on.

Mr. TABER. It does not reach back far enough to get into the preceding administration.

Mr. ZIONCHECK. If we should give them another \$600,000 maybe they would find a solution for the problem.

Mr. WIGGLESWORTH. Mr. Chairman, in conclusion may I say that I agree with the observation of my colleague, the gentlewoman from California.

Almost 8 months has elapsed since the submission of the report. Little or no action appears to have been taken. I see no reason why the report should not be made public with a full statement by the board of its future plans.

It seems to me the country is entitled to know what steps have been taken to meet the situation already brought to light in the garment and textile field; what steps, if any, are in contemplation to investigate conditions in other fields; what steps if any are proposed with a view to proper supervision in the future both of programs of education and of the expenditure of Federal funds. If the board is not prepared to act in the matter, affirmative action should be taken and taken promptly by the Congress. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. LAMBERTSON. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, in order that we may approach the consideration of this appropriation bill with a broad understanding and knowledge of its background, it is necessary to present certain pictures.

In his message to the Congress of the United States, delivered on the 3d day of January 1936, the President of the United States said:

In March 1933 I appealed to the Congress and to the people in a new effort to restore power to those to whom it rightfully belonged. The response to that appeal resulted in the writing of a new chapter in the history of popular government. You the Members of the legislative branch, and I, the Executive, contended for and established a new relationship between government and people.

What were the terms of that new relationship? They were an appeal from the clamor of many private and selfish interests, yes, even an appeal from the clamor of partisan interest, to the ideal of the public interest. Government became the representative and the trustee of the public interest. Our aim was to build upon essentially democratic institutions, seeking all the while the adjustment of burdens, the help of the needy, the protection of the weak, the liberation of the exploited, and the genuine protection of the people's property.

Soon after the advent of this administration on the 4th of March 1933, there was passed—and I believe the date was the 16th of June 1933—an appropriation bill calling for \$3,300,000,000. Those of you who were present at that time will recall that that appropriation was put through Congress on the representation that it was to be used for the relief of the needy and the distressed. Soon after that a large sum of money was allotted to what they called the P. W. A. under the direction of Harold L. Ickes, the Secretary of the Interior. A large allotment was made out of that fund for slum clearance in the city of New York, and a site was acquired from the property of Vincent Astor at the assessed valuation of that property—and everyone who knows anything about assessments on real estate knows that these assessments are at least 150 percent of what sales can be made for on the open market.

These particular properties had been vacant and unoccupied for a considerable period, and they had been unproductive. These properties were acquired from Vincent Astor on Third Avenue, between First and Third Streets, in New York City. The buildings were razed, large sums of money were spent in building buildings thereon, and these buildings are now rented at the rate of \$6 per month per room, which rentals barely pay the cost of the maintenance of these properties. And so this appropriation of \$3,300,000,000 passed by the Congress of the United States for the relief of the needy became an instrument for the relief of Vincent Astor, upon whose magnificent yacht, the *Nourmahal*, the President of the United States has been accustomed to consort with his rich friends. Thus the statement of the President in his message to the Congress of the United States is borne out, and we have a little sample of the administration of governmental affairs by Harold L. Ickes. That you may know a little more about the operations of this gentleman and the way he has handled the people's business, I desire to call attention to a bill which was presented in Congress from the Indian Affairs Committee, S. 1968, and a similar House bill, H. R. 6019.

Let me call to your attention the fact that on the 20th day of July 1931 the Secretary of the Interior under the administration of President Hoover presented to the President of the United States an appraisal covering certain Indian lands supposed to contain coal and on which it was claimed that the Ute Indians had a claim against the United States. This appraisal, made on the 20th of July 1931, amounted to \$62,165.75.

Under the administration of Harold L. Ickes a reappraisal of this land was submitted to the Committee on Indian Affairs boosting it to \$977,796, an increase of at least 17 times in the course of 2 years. This particular land was 65 miles from a railroad, where the grades ran up to 65 percent, and absolutely inaccessible. That bill made such an appeal to the House of Representatives that upon a roll call it was defeated to the everlasting credit of the Congress of the United States.

Let me tell you some of the things that have been done to the United States Treasury under the operations of this gentleman as Secretary of the Interior. In the fiscal year 1935 the appropriations for this Department amounted to \$60,464,000, but the expenditures, including allotments from the P. W. A., under Harold L. Ickes' control, totaled \$132,168,039.16. The appropriations made by Congress for the fiscal year 1936 for this Department totaled \$89,061,576, but the expenditures during that same period it is estimated by the Bureau of the Budget and the President in his Budget estimates, submitted to Congress on the 6th day of January, will amount to \$177,303,400. It will be noticed, Mr. Chairman, these expenditures are planned to run at least twice the amount of appropriations. The Budget estimates which were sent up here for this year amount to \$160,602,441. The estimates considered in this bill only amount to \$82,942,000, indicating that there is being held back and evidently will be followed by another bill covering the activities of this Department an amount of \$77,000,000 or \$78,000,000. I am not going into the details of the operation of the Interior Department at this time, because I have not the time. Let me say that millions upon millions of dollars of the three hundred-odd million waste that has gone on and the \$195,000,000 waste that is contemplated were for the development of reclamation projects, many of which were so rotten they had been turned down by Congress, most of which were nonproductive from the standpoint of honest mathematics, and all of which tended to put under cultivation acre upon acre of land to compete with that which belonged already to the farmers of America and creating a more distressing condition to the farmers.

Mr. WOODRUFF. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. WOODRUFF. The irrigation projects, to which the gentleman has raised an objection, are those irrigation projects that were started as a result of Executive orders and have not in any sense been authorized by the Congress of the United States?

Mr. TABER. That is the situation exactly, and in almost every case where there has been a project of that kind without authority of Congress it has been a bad project. This is what we would expect under the operations of Harold L. Ickes.

Mr. Chairman, that situation will never permit of agricultural recovery so long as it is continued. It is doing more damage to the cause of agriculture in America than any bill which could possibly be considered here in the House of Representatives would do good. I am just skimming over the tremendous figures that are presented in this bill, and, frankly, I am going to hit some of the details when the bill is being read for amendment. It ought to be enough to arouse the membership of this House to an understanding of their responsibilities in order that we may stop these terrific expenditures and point the way, not toward greater expenditures and greater taxes—and greater expenditures mean greater taxes—but toward lower expenditures and a balancing of the Budget of the people of the United States.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the ranking member of the subcommittee [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, it seems to be the customary thing among members of these committees to compliment one another on the good work done, as well as the popular pastime of a small minority of this House to berate and deride most any committee, regardless of its efforts to cut expenses of government by charging a committee with reckless spending of money.

Let me say at the outset, that this subcommittee came to Washington a month before the convening of Congress. It began holding hearings on December 3 and held them almost continuously until January 14, when the last hearing was held.

It is only fair to say that each member of the subcommittee labored unselfishly in the task assigned, and the committee has presented a report that no member of the committee or of this House has any reason to be ashamed of.

The chairman of this subcommittee, the distinguished and able gentleman from Colorado [Mr. TAYLOR], a man whom every Member of this House, irrespective of politics, has the utmost confidence in, was on the job day in and day out. Although now far up into his 70's he has set a pace for work and perseverance that some of us 30 to 40 years younger found no easy task to follow. There is no question but what he knows more about the details of this bill than any other member of the subcommittee and personally I feel highly honored to be able to serve with him and under him.

It will not be my purpose at this time to answer the tirade of abuse that we have just heard on this floor from the gentleman from New York [Mr. TABER] against our distinguished and able Secretary of the Interior. The personal and official record of Harold Ickes needs no defense at my hands but I refuse to permit such uncalled for and unjustified tirade to go unchallenged.

It seems to be sort of a fad these days among some of the minority leaders and especially among some who think they are Republican leaders to stand in the well of this House and deride the President or any member of his official family. It simply happens to be Mr. Ickes today; but Harold Ickes is a patriotic American citizen who is rendering unselfish service to his country. Secretary Ickes recently took a little hide off the Liberty League that has now joined hands with the Republican Party and is a thorn in the flesh of the old stand-pat Republican crowd that almost wrecked and ruined this country. So, I presume that it is only natural that the gentleman from New York should vent his spleen and tear his hair as he rants against one of America's outstanding public servants, the Secretary of the Interior. [Applause.]

Now, my good friend, the gentleman from Massachusetts [Mr. WIGGLESWORTH] who, with his colleague from Kansas,

Mr. LAMBERTSON, rendered valuable service on this subcommittee, in his remarks this afternoon asked a fair question and I shall try in my limited time to answer it fairly and frankly. He has asked for someone to explain some of the major increases in the pending bill.

The outstanding increase is the general-support item for education. Your committee felt, after hearing all of the testimony, that these increases were justified. Not only did the committee feel justified in increasing the item for education, but it has also increased the items for agriculture and public health in the Indian Service.

Great strides have been made by the Indian Office under the supervision of Mr. A. C. Cooley, who, I believe, is director of extension work. I know at this time it is usually the customary procedure for someone to stand on the floor of this House and berate the Indian Office, from the Commissioner on down the line. I hold no brief for the Indian Office, but if Members of this House only knew of the splendid work being carried on by the Indian Office through Director Cooley, of the Extension Division, I am sure there would be no question about this important item for encouraging the Indians to become self-supporting. Indians are being taught to raise better cattle, hogs, sheep, chickens, and other things so necessary to the success of home life of the Indians as well as the whites who reside on the farms.

Your committee has also increased the item for the conservation of health among the Indians. The report plainly shows that a substantial increase in this item is due to the increase in hospital facilities that are being made available by public-works construction.

Another cause for increase in this health item is the fact that the Indian Office is making every possible effort to stamp out tuberculosis so prevalent among the various Indian tribes. Certainly no one will complain if this Congress renders every possible assistance in combating this dreaded disease that has taken such a toll of our people of all races within the past few years.

Much has been said today and probably more will be said about the increases in the items under the pending bill, but the fact remains that this committee brings you a report considerably below the estimate of the Bureau of the Budget.

In the Indian Service alone, there is a cut of over \$1,400,000 under the Budget estimates. And bear in mind, also, that this is over a million dollars under what was expended in the Indian Service during the current year. First and foremost, there is a decrease of \$1,520,000 in what is called the revolving-loan fund, created as you will recall, by an act of Congress known as the Wheeler-Howard Act.

[Here the gavel fell.]

Mr. LAMBERTSON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. JOHNSON of Oklahoma. I thank the gentleman and will endeavor to be as brief as possible. As I just stated, this item, authorized under the Wheeler-Howard Act, has been cut \$1,520,000. The committee last year allowed \$2,500,000 under this item, but none of the money had been spent and few if any obligations had been incurred, and, therefore, the committee felt justified in cutting \$1,520,000 off of this item alone.

Now, let me call your attention to a little item some of you may have overlooked in the bill with respect to a research assistant asked for by the Indian Office and allowed by the Budget, amounting to only \$2,600. The committee eliminated this item for the reason it has been our experience that a research assistant whose business is to go through a department and reclassify the positions of the employees of the department, always manages to reclassify the positions upward. No one ever heard of one of them employed for such a task reclassifying the positions downward.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. ZIONCHECK. If they reclassified them downward and kept going downward, where would they be when they got through?

Mr. JOHNSON of Oklahoma. No one expects such an assistant to reclassify positions downward, but the committee undoubtedly feels that the positions in the Indian Office, with very few exceptions, are comparable with positions in the other departments of the Government and therefore it was unwilling to invite a reclassification of all the positions in the Indian Office upward, as they believed would happen should this seemingly small item be allowed.

Mr. ZIONCHECK. I think the gentleman misses my point. I meant if they reclassified them downward enough, it would get awfully hot for them and they would not like that.

Mr. JOHNSON of Oklahoma. I understand the gentleman perfectly.

There is no money allowed in this bill for construction, except for improvements and repairs, but the bill reappropriates \$981,000 that was appropriated last year for the cooperation with county-school districts in the construction of school buildings.

There is a decrease in the item for roads and trails of \$500,000. We appropriated last year \$4,000,000 and this year only \$3,500,000.

Your committee cut the item for the Mount Rushmore National Memorial Commission from \$150,000, which was the Budget estimate, to \$100,000 and added a proviso that none of this amount shall be spent for work or projects not already started. I might add that I voted against the entire item in the committee, even though it has been authorized by Congress, I frankly do not think it can be justified at this time from any standpoint.

There is a decrease of \$100,000 for transportation of supplies in Indian Service and many other smaller items. May I again remind you that there is a total decrease in the Indian Bureau alone of \$1,413,000, which in my judgment, is a mighty good showing. If every department of the Government or if every subcommittee in Congress would bring in a decrease under the budget estimate at the same ratio that this committee has, and a decrease under what was actually expended last year, as this committee has in connection with the much abused Indian Office, the Congress would not be called upon now to raise additional taxes to carry on the functions of Government. [Applause.]

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. MAY. Is there any way under present conditions to reduce bureaucratic administration in Washington other than to reduce the appropriations for the various departments?

Mr. JOHNSON of Oklahoma. I know of no other way, certainly, that is the most substantial way and a way that gets the job done.

[Here the gavel fell.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

OFFICE OF THE SECRETARY
SALARIES

Salaries: For the Secretary of the Interior, Under Secretary, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, \$392,970: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any

person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Mr. TABER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 6, after the comma, at the end of line 5, strike out "\$392,970" and insert in lines 3 and 4 the words "Under Secretary" and insert in lieu thereof "\$382,970."

And on page 3, after line 11, insert "*Provided*, No part of this appropriation shall be used for the salary of the Under Secretary of the Interior."

Mr. TABER. Mr. Chairman, a year ago, on representation to the Congress that it was absolutely necessary for the performance of the work of the office of the Secretary of the Interior, the Congress created, over the protest of some of us who thought it was unnecessary, the office of Under Secretary of the Interior. To date, as I understand, no duties have been assigned to the Under Secretary of the Interior, as no duties are performed by the Under Secretary of the Interior in the office of the Secretary of the Interior or in that Department.

Just so that the membership may have that information, I call attention to the testimony on page 9 of the hearings before the committee, as follows:

Mr. WIGGLESWORTH. Has there been any reallocation of duties among the Assistant Secretaries of the Department as the result of the addition of an Under Secretary?

Secretary ICKES. No; there has not yet.

Mr. WIGGLESWORTH. Do you contemplate such?

Secretary ICKES. I am not sure that I do. I have under consideration the idea that perhaps Under Secretary West should have, under the Secretary himself, more or less general supervision.

Mr. WIGGLESWORTH. No specific duties have been assigned to that officer?

Secretary ICKES. Special assignments go to him from time to time.

Mr. WIGGLESWORTH. Is that proving to be a full-time position?

Secretary ICKES. Oh, yes.

Mr. WIGGLESWORTH. Those duties, I assume, will not include, in the future, any large amount of time spent in connection with legislative matters on the floor of the House and Senate?

Secretary ICKES. Well, of course, we have had legislative matters in which the Department itself has been interested. If the question implies whether the Under Secretary might not be interested in those, I do not know.

Mr. WIGGLESWORTH. Of course the question was directed at ascertaining whether his new duties in the Interior Department would curtail, perhaps, some of those duties in connection with general legislative matters, which were pursued in the past.

Secretary ICKES. The appointment was made toward the close of the last session. Naturally, of course, Under Secretary West completed the assignments that he had in connection with his old duties. Since then he has come over to the Interior Department, and we expect he will find he has a full-time job there. If he has any extra work, it will be extra.

That is over in the Interior Department, and no duties have been assigned to this Under Secretary. Why should we go on and appropriate money for someone in the Department who is performing no duties?

I hope the Congress will strike this from the appropriation and strike out the position. It is absolutely ridiculous for us to go on in this way with the appropriation.

Mr. TAYLOR of Colorado. Mr. Chairman, as the gentleman from New York says, when the bill came up a year ago there was a strong showing, I thought, that the Secretary of the Interior needed an Under Secretary. As a matter of fact that Department is as much, if not more, overworked than any department of the Government. The appointment to this position was not made until long near the close of the last session of Congress on August 26. For that reason they have not fully coordinated or reallocated the work. However, the Department of Agriculture has an Under Secretary, the Department of the Treasury has an Under Secretary, the Department of State has an Under Secretary, and the Department of War has an Assistant Secre-

tary at \$10,000 a year. There is no question but that there is very great need for this office. The gentleman from New York while reading should have gone on a little further and completed the sentence, or at least completed what the Secretary of the Interior said. The Secretary of the Interior said:

The appointment was made during the close of the last session. Naturally, of course, Undersecretary West completed the assignments that he had in connection with the old duties. Since then he has come over to the Interior Department, and we expect he will find that he has a full-time job there.

In other words, Mr. Chairman, he had to complete assignments he had in his hands at the time he was appointed before he could take up the activities of the Interior Department, and the Secretary of the Interior expressly says, as I have just read, that since then he has come over to the Interior Department and that they expect he will find that he has a full-time job. There is no question about that. I trust the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 13, noes 62.

So the amendment was rejected.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word. I call attention to the language on page 2, line 5, of the bill which states:

And other personal services in the District of Columbia.

You will find that that language "other personal services in the District of Columbia" recurs in almost every paragraph of the present bill and for every agency which exists or which has been newly set up. Personal services conveys the idea of employing people, and that in turn draws attention to the number of people who are already on the Federal pay roll in the National Capital. My only purpose in contributing to the discussion today is to say a word with reference to this as it bears on the thousands who are on the pay roll and resident in Washington, and the rental situation in Washington, D. C. When I came here in 1933 and found myself suddenly a member of the board of aldermen of the District of Columbia, namely, as a member of the House District Committee, I found considerable complaint about high rentals, not only from Members but from secretarial and stenographic help. People who came from the various States and who were working in the different bureaus and departments were making complaint. Incidentally, the townspeople, workers in the navy yard and elsewhere were complaining.

At that time I carried on a sort of independent investigation and came to the conclusion that perhaps a rental commission might be a splendid means to effectuate reasonable rentals for the city of Washington. After examining the work of the Rent Commission during the war, and the statute and conditions under which it was created, I felt that a rental commission was unconstitutional. It appeared that there was no military emergency or any other emergency under which the due-process clause of the Constitution could be stretched or distorted. Then I discussed the matter with the District officials and particularly the assessor, and he thought perhaps some legislation could be devised to freeze rents as of some day on which rental levels in Washington were reasonable. That, too, is open to objection for the simple reason that any flat measure of that kind might retard a housing recovery which has been under way in Washington, and certainly the most important thing before the country today is the need for an acceleration of home building and other construction in order to diminish the vast number of unemployed. Restrictive measures which might make investment capital timid and afraid to invest would doubtless impair such activities. However, I have continued to give attention to this problem of congestion in the Capital and to the corollary problem of excessive rentals and traffic dangers for a long time in the hope of finding some way of effectuating relief for the thousands of people that are here.

As an evidence of what the situation is, there is eloquent testimony in the report which accompanies this bill in the statement that there are approximately 42,000 people on the pay roll of the Department of the Interior, and that approximately 12,000 or 13,000 of those have been added since 1933. Consider all the bureaus, commissions, and departments in Washington with more than 100,000 workers on the Federal pay roll and you have the crux of the rental situation. You have so many thousands of people here that landlords obviously are going to take the opportunity to increase rentals on existing housing and get what they can in the belief that at some time this overcrowded condition will be dissipated and the net income from their properties diminished accordingly. In seeking to find a way to establish a reasonable rental for thousands of people here it seems to me only one thing can be done, and that is to decentralize some of the bureaus. The more bureaus, the more employees; the more employees the heavier the traffic, and the worse the congestion. Heavier traffic means more accidents; more employees mean a larger rental market and higher rents. A new bureau is set up in this bill. How we are going to do anything for the people who pay exorbitant rentals and solve the traffic problems in the Capital City unless we decentralize these bureaus and diffuse a lot of that personnel help in all sections of the country, I am sure I do not know. Right now Uncle Sam occupies 103 of his own buildings in the city of Washington and rents 101 others. He has 12,000,000 square feet of floor space of his own and rents two and a half millions additional. As yet we have made no provision for the Social Security Board and I suppose they will have 10,000 or 12,000 people. There has been some suggestion that they will send them to Baltimore. That will help matters very little. It will mean that the highway between Baltimore and Washington will become a ghastly speedway and avenue of death. Diffusion must be greater than that. I have a better suggestion. If we are going to continue to set up new bureaus, or if it is contemplated that only those which now exist be kept in operation, let us find out what particular section of the country their interest more nearly affects and then set up offices there and diffuse this help and get rid of the rent and traffic problems here. A portion of the Security Board could very well be set up in Chicago for the western division. The inland waterways work to some extent could be transferred to St. Louis and some of the Agricultural Department work could be transferred to Des Moines and Peoria; other agencies could be sent to San Francisco and Spokane and elsewhere, and so we could reduce all these appropriations for personal services in the District of Columbia very substantially.

Just why every agency must be dragged to the National Capital is difficult to understand. If the work of this agency affects the West, or the central West, the Mississippi Valley or New England, the Northwest or the South, why not set them up in those areas where the work is located and skeletonize the central offices here. The benefits will be twofold. First, it will aid other communities in rehabilitating purchasing power. It will diffuse employment in other sections of the Nation, and secondly, it will relieve the immense burdens here.

When we do, we will solve this problem of congestion that has cost almost one life every 2 days since the 1st of January 1936. Then we will also solve the housing problem in Washington and the problem of excessive rentals without trying to get through Congress some sumptuary legislation with which to beat the landlords over the head.

Mr. MAY. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. Might we not encounter more grave danger than the question of rentals in Washington if we establish a Government operating agency in the different cities over the country and invite the people of those cities and communities to sponsor those bureaus and undertake to enlarge them from time to time, and hammer Congress to vote for appropriations?

Now comes the additions to the forces of the Veterans' Administration to handle the bonus. I have heard it said that 2,500 or 3,000 extra people will be required. Where will they be housed? How will augmented traffic be handled without further fatalities? Obviously the increase in employees will present an excellent chance for landlords to boost rents, and the only escape from this condition is decentralization.

There is still another aspect to this matter. The Select Committee of the House to Investigate Real Estate Reorganizations, on which I served, learned in the course of their investigations in Chicago, Detroit, St. Louis, and elsewhere that millions of square feet of commercial floor space is still vacant in large buildings. Vacant space in buildings on which bonds were sold to the public means diminished earnings and diminished dividends or no dividends at all to the holders of these securities. If the Federal Government, instead of filling Washington to overflowing with bureaus and commissions, would establish some of them in other cities, some of this available space could be used. Its use would mean income for many real-estate bondholders and funds with which to pay taxes and maintenance costs of these buildings.

Therefore I most respectfully suggest that some of these Government functions be transferred to Chicago, Peoria, Detroit, Cleveland, Boston, Dallas, and elsewhere as the solution of many problems. It would be a bit of a "break" for the taxpayers in such communities.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DIRKSEN] has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. ZIONCHECK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ZIONCHECK. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent that the Clerk again report the amendment.

The Clerk read as follows:

Page 3, line 11, strike out the last word.

Mr. ZIONCHECK. Mr. Chairman, all the committee wanted was the exact language of the amendment offered by the gentleman from Illinois. If it was germane, we agree to the amendment. We would all like to have rents lowered in Washington, D. C., and we would like to have it put into this bill, if possible; but striking out the last word will not do it. So therefore that is the end of the argument.

The pro-forma amendment was withdrawn.

Mr. KENNEY. Mr. Chairman, I move to strike out the last three words.

Mr. ZIONCHECK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ZIONCHECK. Only one pro-forma amendment to each paragraph is permissible.

The CHAIRMAN. The point of order is overruled.

Mr. KENNEY. Mr. Chairman, I hesitate to vote for this appropriation. I am one who would like to see all appropriations cut 25 percent or more. We must do something more than appropriate money in this Congress. That is about all we seem to be doing, appropriating and borrowing money to make good the appropriations.

On top of our heavy appropriations, ordinary and extraordinary, we shall have to appropriate a high sum in accordance with the communication just sent by the President to our Speaker. I believe the communication is now on the way to the Committee on Appropriations to remain there. A large appropriation is going to be made for over \$2,000,000 to raise money to pay the bonus, which we have rightly authorized to be paid by recent legislation. For the life of me, I cannot understand why a copy of that communication was not sent over to the Committee on Ways and Means for action on the part of that committee to raise the income account to offset the other and overburdened outgo side of the ledger.

We must be concerned with more than one side of the ledger. We cannot go on appropriating money indefinitely without providing the means for raising the money to pay

the bill. The Ways and Means Committee has made it plain that it does not plan any new taxes this year. It does not have the heart to go to the country with another tax bill, and this Congress does not have the heart to exact more taxes from the taxpayers. But there is one thing the Ways and Means Committee can do. It has before it now a bill that will raise, without hardship on anyone, a huge sum of money which may be used to defray the expenses of government.

What we need today is a Robert Morris to come to the aid of our Government. There is none such in the country. The only alternative is that our people must club together and contribute to a fund to be collected so that we may offset the large appropriations and the ever-mounting national debt.

The best way and the only way we can do it without taxation, and I have not heard anybody on this floor or in this Congress suggest a better plan, is to get the Ways and Means Committee to report to the House for a vote or my bill for raising the needed money by the conduct of a national lottery. [Applause.] So, Mr. Chairman, tomorrow morning, in order to spur the committee, there will be placed on the Speaker's desk a petition to discharge the committee from further consideration of the bill. Two hundred and eighteen Members by signing the petition can bring the bill to the floor of this House for vote. Members of Congress can make this petition a new declaration of economic independence. Our patriots of old resorted to the lottery in times of stress and emergency. We do not want to neglect our piling debt nor are we willing to break further the already broken backs of the taxpayers. We shall do neither of these things, but, on the contrary, shall fulfill a duty we owe to the taxpayers, the Government, and the Nation if we resort to the lottery—the old aristocrat of all emergency measures.

Down in the Isthmus of Panama, where there is a population of something like 472,468, exclusive of the occupants of the Canal Zone, the lottery provides each week for charitable purposes a sum ranging between twenty-five and thirty thousand dollars. The yearly lottery revenue exceeds more than a million and a half dollars. That averages in income amounts to more than \$3 per capita per person. In this country with our resources we could do better than twice as well. We have a population of 120,000,000 people, and if we could do twice as well as Panama, and we can, we could, without bearing down on the taxpayers, raise an amount equal to \$6 per capita. On that basis the revenue to be gained from this source would amount to \$720,000,000 a year. By doing a little better than twice as well the yearly lottery revenue would grow to a billion.

The passage of my lottery bill would not only retain firmly the confidence which we have restored, but the funds from the lottery would be enough to retire the whole national debt within a reasonable period of time. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. KENNEY] has expired.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

DIVISION OF GRAZING CONTROL

For carrying out the provisions of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), including traveling and other necessary expenses, not to exceed \$55,000 for personal services in the District of Columbia, not to exceed \$20,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, and not to exceed \$150,000 for examination and classification of lands with respect to agriculture and agricultural utility as required by the public-land laws and for related administrative operations and for the preparation and publication of land classification maps and reports, \$300,000; for payment of \$5 per diem while actually employed in lieu of subsistence and for payment of 5 cents per mile for actual necessary travel expenses of members of advisory committees of local stockmen, \$100,000; in all, \$400,000.

For construction, purchase, and maintenance of range improvements within grazing districts, pursuant to the provisions of sections 10 and 11 of the act of June 28, 1934 (48 Stat., p. 1269), and not including contributions under section 9 of said act, \$250,000:

Provided, That expenditures hereunder in any grazing district shall not exceed 25 percent of all moneys received under the provisions of said act from such district during the fiscal years 1936 and 1937.

Mr. MOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT: On page 5, line 9, after the word "all", strike out "\$400,000" and insert "\$250,000."

Mr. MOTT. Mr. Chairman, reference to page 18 of the committee's report will show that for grazing control, in the matter of salaries and expenses, while the 1936 appropriation amounted to only \$250,000, this year the Secretary of the Interior is asking for \$400,000.

If you look at the hearings before the Public Lands Committee for last session and the session before, you will find it was contended there by those opposed to this bill that if the Congress ever passed an act of this kind, turning the entire public domain of the United States over to the arbitrary, discretionary jurisdiction of the Secretary of the Interior, an autocratic bureau would be set up which would become larger and larger every year, and that each year the Secretary of the Interior would be asking the taxpayers for a huge additional amount of money. That contention has been borne out by experience. In my opinion, the act under which this appropriation is asked is one of the most useless and one of the most damaging pieces of legislation that the Congress has passed. This year the Secretary of the Interior, to operate that Bureau set up under the Taylor Grazing Act, is asking for almost twice as much money as he asked for last year. Next year the activities of this Bureau will be still further increased, and the Secretary of the Interior will ask for a still larger amount of money. He will keep going on and on and on until this alleged grazing-control proposition will be one of the largest and one of the most irresponsible bureaus in the executive department of our Government. I think it is time to call a halt on the kind of discretionary authority and dictatorial power given by the Congress to the Secretary of the Interior under this act, and we ought to begin now by confining this appropriation, if we appropriate anything, to the amount given the Secretary at the time the bill was originally passed.

As I say, he is asking nearly twice as much now and next year will probably ask twice as much as he is given this year. I think my amendment, which cuts down the amount for salaries and other expenditures to the amount the Secretary had under the original bill, should be adopted.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I well remember that the gentleman from Oregon bitterly fought this law all the way through the Public Lands Committee and the House, and tried his utmost to prevent its passage. It was enacted, however, and heartily approved by the President on June 28, 1934, and has proven one of the most popular and beneficent laws ever enacted in this country. It has for its purpose the conservation and orderly use of the remaining 143,000,000 acres of public domain, and the stabilization of the livestock industry throughout the Western States. Instead of having a large bureau here in Washington, it is the only very important activity we have set up for years which is practically controlled and administered out in the field among and by the people directly affected by it. Every district has its managing committee composed of an equal number of cattlemen and sheepmen who apportion the range among those most entitled to use it, and in numbers and amounts, and times and places, and thereby conserving the range, and they are doing splendid work. This law is becoming more and more popular every day.

In my general remarks I explained how this apparent large increase came about. As a matter of fact, it is not in reality any increase whatever. The Secretary has been keeping absolutely within the amount of money we appropriated for the purposes intended. In this amount of \$68,000 transferred from the Geological Survey for land classification is because this land has got to be classified in order to intelligently use it, and for the purposes of its use this Grazing

Division can more suitably do it than the Geological Survey can.

This amendment, in my opinion, Mr. Chairman, is simply a continuation of the persistent attack that has been kept up for 2 years on this measure. If the House will permit a personal reference, I confess to being more proud of being the author of this so-called Taylor Grazing Act than of any of the about a hundred laws I have piloted through Congress during the past 27 years. Thousands of people have praised it as one of the most far-reaching and constructive measures looking to the preservation and improvement of the remaining public lands of our country and for the stabilization of the livestock industry and of the Nation-wide benefit that has ever been enacted by Congress. There is no way of estimating the value of this law to the West throughout the years to come. I have always lived among the stockmen, and my home has been on the range all my life, so I know those people.

This amendment is simply an effort to hamstring the administration of this law.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MOTT. Is it not a fact that since the original appropriation was made under this bill the Secretary of the Interior has spent very little of that appropriation, because there was not anything to do?

Mr. TAYLOR of Colorado. He has not until recently had time to consult the wishes of all the local stockmen throughout all those States and get the grazing districts organized. That has required an immense amount of time and consideration.

Mr. MOTT. No. He has not done anything in the past, and there is no very good reason to believe he is going to do much more in the future.

Mr. TAYLOR of Colorado. The gentleman is entirely misinformed. If he will read the hearings he will find that some 30 or more districts have already been organized, and they are now in active operation all over the Western States even in the gentleman's own State, and many more would be organized if the acreage had not been limited to 80,000,000 acres instead of all of the public domain as it was in the bill as it originally passed the House.

Mr. MOTT. He has practically all of the \$225,000 we gave him last year, has he not?

Mr. TAYLOR of Colorado. No, he does not. It has been and is a slow process to entirely change the customs of many thousands of stockmen and ranchmen. This law had to be fully and repeatedly explained to large numbers of those people. There has been no disposition to force it on them. All districts have been organized by the wishes of the people affected by them. There is no activity in the Government that is run so economically as this. The Secretary needs every dollar we are giving him in this bill.

Mr. MOTT. Mr. Chairman, if the gentleman will yield further, the point I am making is that, as I understand it, he has practically all that money left.

Mr. TAYLOR of Colorado. No; he does not.

Mr. MOTT. He is asking now, if the gentleman please, \$55,000 for personal service; \$28,000 for the purchase and maintenance of automobiles; \$150,000 for administrative expenses; and \$300,000 for making reports and maps. This is what he wants under this bill. He wants this in addition to the \$225,000 we gave him but which he has not expended.

Mr. TAYLOR of Colorado. The \$300,000 figure the gentleman mentioned is the total of the other items he mentioned.

Mr. Chairman, I ask that this amendment be voted down.

Mr. PIERCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my colleague the gentleman from Oregon has presented an amendment. The gentleman certainly does not know very much about the public domain in the United States. The public domain of Oregon lies in my district and not in his district. I happen to know much about the activities of the group of men that has been classifying these

grazing lands. I know they have been very active and very capable. I know further that no act passed by this Congress is so popular with the majority of the stockmen as this act. It is going to be fully self-sustaining when it is in operation. The men who use the public domain for sheep and cattle will pay fees to the Government that will more than take up the expenses of enforcement. This appropriation is simply for organization. My colleague's fears are groundless, and his amendment will hamstring those who operate under one of the most beneficial acts this Congress has passed. I hope the amendment is defeated.

By unanimous consent, the pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 13, noes 41.

So the amendment was rejected.

The Clerk read as follows:

Contingent expenses, Department of the Interior.

Mr. TABER. Mr. Chairman, I have an amendment to offer to a paragraph which I did not hear the Clerk read.

Mr. ZIONCHECK. Mr. Chairman, I raise a point of order against going back to a previous paragraph after the Clerk starts reading a subsequent paragraph.

Mr. TABER. The paragraph could not have been read, because I was watching for it.

Mr. ZIONCHECK. To which paragraph does the gentleman refer?

Mr. TABER. Page 5, lines 10 to 18.

Mr. ZIONCHECK. The paragraph was read.

Mr. TABER. I was watching every word, and I did not hear it read. I heard the part down below, but I did not hear this one.

Mr. ZIONCHECK. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The Chair is informed that the paragraph was read before the gentleman from Oregon [Mr. MOTT] offered his amendment.

Mr. TABER. Mr. Chairman, the gentleman from Oregon [Mr. MOTT] was on his feet offering an amendment and asking for recognition immediately at the conclusion of the reading of line 9, page 5. He offered his amendment at the proper place. If the next paragraph was read before that, it was improperly read. It certainly was not read after the amendment offered by the gentleman from Oregon [Mr. MOTT] was acted upon.

The CHAIRMAN. The gentleman's amendment is offered to a previous paragraph.

Mr. TABER. An amendment was offered to the paragraph on page 5, beginning at line 9, reducing the figure from \$400,000 to \$250,000. It is true that the Clerk did read some of the following paragraph after the gentleman from Oregon [Mr. MOTT] rose and demanded recognition, but it is not true that the subsequent paragraph was properly read.

Mr. ZIONCHECK. Mr. Chairman, I feel that my point of order is good, but I am going to withdraw it, because the amendment to be offered by the gentleman from New York [Mr. TABER] is not going to be adopted anyway. I withdraw my point of order if the gentleman will not talk over 5 minutes.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 5, lines 10 to 18, strike out all of lines 10 to 18, inclusive.

Mr. TABER. Mr. Chairman, I have been over the hearings very carefully and I have been unable to find anything except a general statement as to how it is proposed to use this \$250,000 for construction purposes, nor anything in reference to what the construction shall be, the character of it, or whether or not it would amount to anything. There is nothing in the hearings to disclose any information. Frankly I do not believe in increasing these appropriation bills, even if there is a limitation on the source of the money, for any

purpose which is not fairly and openly disclosed to the Members of Congress. I have offered this amendment to strike out those lines. I do not believe we can get anywhere by continually increasing the sums of money we appropriate for these things. I am, therefore, giving the Members of Congress another chance to vote down proposed increases in expenditures.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York [Mr. TABER] evidently does not understand this law or its provisions. The \$250,000 is to be collected from these people themselves, the stockmen who use the range. If the money is not collected from these men who range their cattle and sheep on the public domain this appropriation will not be made. If the gentleman from New York will read page 20 of the hearings he will find a full explanation and description of this item.

Mr. Chairman, I hope the amendment will be rejected.

Mr. PIERCE. Mr. Chairman, I move to strike out the last word merely to explain to the gentleman from New York what this appropriation means.

Mr. Chairman, on these big ranges hundreds of miles across buildings are erected where men may stay overnight, feed themselves, and care for their horses. Sheep and cattle have to be counted; corrals must be provided for counting. They have to provide water in these camps or headquarters. These facilities must be provided in different parts of the range, sometimes miles apart. This appropriation my colleague seeks to reduce is to provide facilities much the same as the patrols or guards use in the forest reserve. This money will all be repaid by fees collected for use of the public domain from the sheepmen and cattlemen themselves.

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

The Clerk read as follows:

PERRY'S VICTORY MEMORIAL COMMISSION

For administration, protection, maintenance, and preservation of the Perry's Victory Memorial at Put in Bay, Ohio, including traveling and other expenses of members of the Commission in connection with official matters pertaining to the memorial, printing and binding, personal services, and the purchase of souvenirs for resale, \$4,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I offer this pro-forma amendment for the purpose of stating to the House in connection with this Perry's Victory Memorial Commission that there is a bill pending on the Union Calendar, H. R. 8474, for the erection of Perry's Victory Memorial and International Peace Memorial at Put in Bay, at precisely the same place where the monument covered by this paragraph is located.

I am not insensible to the fact that the present memorial is more or less self-maintained; but, I believe, in line with the admonition of the distinguished chairman of the subcommittee, that something ought to be said about these bills which appropriate small amounts for little things and are subsequently followed with requests for appropriations in larger amounts. Very briefly, let me tell you some of the things that are covered by bills now on the Union Calendar. There is, for instance, a bill to establish a park at Saratoga, N. Y.; one to enlarge Baker Park out in Washington. There is a bill to build a monument at San Juan, in Puerto Rico.

Also a bill to enlarge or to build a colonial national monument in Virginia; another one to make a park out of the Daniel Freeman Homestead, in Nebraska; another one to commemorate the Battle of Blackstock; another one to commemorate the Battle of Musgrove's Mill; still another to commemorate the Battle of Big Dry Wash, in Arizona—and, may I say parenthetically, I have been a rather assiduous student of history, but I never realized that a knowledge of all these battles and their commemoration made any difference in the ordinary processes of government so far as I

could determine, or that they were of sufficient concern to the public to warrant the expenditure of the taxpayers' money.

Then our good friend the gentleman from Texas [Mr. MAVERICK], the other day, had a bill on the calendar to create a commission to study the feasibility of establishing national monuments in Texas, New Mexico, Arizona, and California. If enacted, such a commission would doubtless recommend monuments by the dozen instead of singly.

Then there is another bill for a monument on St. Simon Island, down in Georgia, and also a monument to Lafayette, and also a national monument at Camp Merritt, N. J., and a bill for the enlargement of the Everglades National Park in Florida, a Mark Twain anniversary commission, and here is a prize winner, a monument to commemorate the entry of the first steam railroad into Washington, D. C. Now, that is something to write home about. Then a monument to commemorate the one hundredth anniversary of Prattville, Ala.

Maybe this has some bearing upon national history, but here you have a list of some of the things that call for appropriations. If we stick a monument down on St. Simon Island in Georgia, you know what the next stanza will be in that story. They will buy some area around that monument to create a little park, and then there will be a bill introduced in the Congress to create a St. Simon Park or some other kind of park, followed by demands for annual appropriations to dust off the monument and keep the grass green.

Gradually, these inroads are being made on the Federal Treasury for things that have no particular national import, and I think the gentleman from Colorado [Mr. TAYLOR] is exactly right when he says that we ought to be cautious about this sort of thing. These bills, for the most part, ought to be firmly objected to and never allowed to pass the House.

Michael Angelo once said that trifles make perfection, and we may achieve perfection in Government economy if we start with some of these little things and then work up to the top, and I suggest we start right now and wipe the slate clean of these little things which are gentle, little creatures that are almost as prolific as a certain noted family way up in Callander, Ontario. [Laughter and applause.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

NATIONAL BITUMINOUS COAL COMMISSION

Salaries and expenses: For all necessary expenditures of the National Bituminous Coal Commission, in performing the duties imposed upon said Commission by the Bituminous Coal Conservation Act of 1935, approved August 30, 1935 (49 Stat., p. 991), including personal services and rent in the District of Columbia and elsewhere, traveling expenses, contract stenographic reporting services, stationery and office supplies and equipment, printing and binding, and not to exceed \$2,500 for newspapers, reference books, and periodicals, \$900,000.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 11, line 6, after the figures "\$300,000", strike out the section down to and including line 3, on page 12.

Mr. ZIONCHECK. Mr. Chairman, is there not a mistake in the amendment as read? Is it not the gentleman's intention to strike out the paragraph about the National Bituminous Coal Commission?

Mr. WIGGLESWORTH. Yes.

Mr. ZIONCHECK. Then the amendment should strike out all of line 6 and through line 16, including the period following the amount \$900,000.

Mr. WIGGLESWORTH. That is correct.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 11, line 6, after the figures "\$300,000", strike out the section down to and including line 16, on page 11.

Mr. WIGGLESWORTH. Mr. Chairman, this item for the National Bituminous Coal Commission appears, of course,

for the first time in this bill this year. It appears as a result of the enactment of legislation during the last session of Congress—legislation enacted after the receipt of a letter from the President of the United States, in which, as I have already stated this morning, he expressed the hope that the committee would not permit any "doubts as to constitutionality, however reasonable, to block the suggested legislation."

The item calls for the expenditure of almost \$1,000,000. The hearing indicates a further increase in the appropriation should this activity be declared constitutional by the Court.

The item includes about \$200,000 for a legal force of 80 persons and about \$83,000 for a statistical force of 34 persons, although it was suggested this work might be done more cheaply by the Bureau of Mines. It includes also about \$18,500 for an information and editing service of nine persons.

The amount involved is substantial. Many of us have felt from the outset that this legislation was clearly unconstitutional. The recent findings by the Supreme Court, insofar as my judgment is concerned, have tended to confirm my original conclusions and have made almost certain to my mind a finding by the Supreme Court that this particular bill is unconstitutional.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. VINSON of Kentucky. The gentleman understands that an entirely different constitutional power is relied upon for the support of the validity of the Guffey coal bill than in the support of the Triple A.

Mr. WIGGLESWORTH. I understand, of course, that the two questions are not on all fours.

Mr. VINSON of Kentucky. I want to call attention to the fact that the clause in the Constitution relied upon for the support of the Guffey coal bill is not the same clause that was relied upon for the support of the Triple A.

Mr. WIGGLESWORTH. I am not going to argue the constitutional question with the able gentleman from Kentucky. I say that in my judgment the recent action of the Supreme Court tends to confirm my original opinion that the act was unconstitutional. I might refer the gentleman from Kentucky to the very able argument made by his distinguished colleague the gentleman from Tennessee [Mr. COOPER] at the time the legislation was considered.

I want to say in conclusion, Mr. Chairman, that I offer this amendment without reference to the merits of the broad objectives of the bill, in respect to which there may be little difference of opinion. The House having taken the exceptional action which it did recently in respect to the potato-control bill, it seems to me that the same action should be taken in respect to this legislation, withholding for the time being the appropriation of nearly a million dollars pending action of the Supreme Court, which no doubt will be taken in the near future.

Mr. VINSON of Kentucky. Mr. Chairman, I rise in opposition to the amendment. This same matter was fought out last week on the deficiency bill. It seems to me that the opponents of the Guffey coal bill, in the consideration of this appropriation bill, should not try to by indirection that which they were unable to do directly, when the original bill was under consideration.

Now, I cannot say—and no Member of this House can say—what the Supreme Court will do when the matter of the constitutionality of the coal act is presented to them on its merits.

It is easy for a person to say that a bill is unconstitutional. But I want to call the attention of the House again to the fact that the constitutional power relied upon in the Guffey coal bill is not the same power relied upon for the support of the A. A. A.

Mr. TABER. Will he gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. TABER. Is it not a fact that the Supreme Court has already held that the commerce clause does not cover the mining of coal?

Mr. VINSON of Kentucky. Mr. Chairman, my friend from New York, Mr. TABER, who is one of the hardest-working Members of this body, certainly was absent when I endeavored to treat this subject when debating the original bill. I then called attention to the *Coronado* case, written by Chief Justice Taft, to which the gentleman referred. That is the case which says that mining of coal is an intrastate transaction; but immediately after Chief Justice Taft, a distinguished leader of the gentleman's party and a distinguished President of the United States and a distinguished Chief Justice of the Supreme Court, said that mining of coal was an intrastate transaction, he said with the same voice and with the same pen that Congress had the power of control and supervision of those acts if Congress saw fit to use it.

It was in this first *Coronado* case (259 U. S. 354) that Chief Justice Taft, on June 5, 1922, held that coal mining is not interstate commerce and that the power of Congress does not extend to its regulation as such. Following are direct quotations from this case:

Coal mining is not interstate commerce, and the power of Congress does not extend to its regulation as such.

The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterward shipped or used in interstate commerce make their production a part thereof.

Obstruction to coal mining is not a direct obstruction to interstate commerce in coal, although it, of course, may affect it by reducing the amount of coal to be carried in that commerce. We have had occasion to consider the principles governing the validity of congressional restraint of such indirect obstructions to interstate commerce in *Swift v. United States* (cases cited).

Now, one of the cases cited in the last quotation next above is the packers and stockyards' case decided May 1, 1922 (*Stafford v. Wallace*, 258 U. S. 495). This case was the one in which Chief Justice Taft made the following statement:

The reasonable fear by Congress that such acts, usually lawful and affecting only intrastate commerce when considered alone, will probably and more or less constantly be used in conspiracies against interstate commerce or constitute a direct and undue burden on it, expressed in this remedial legislation, serves the same purpose as the intent charged in the *Swift* indictment to bring acts of a similar character into the current of interstate commerce for Federal restraint.

Further quoting from the *Stafford v. Wallace* (258 U. S. 495):

"Whatever amounts to more or less constant practice and threatens to obstruct or unduly to burden the freedom of interstate commerce is within the regulatory power of Congress under the commerce clause, and it is primarily for Congress to consider and decide the fact of the danger and meet it.

"This Court will certainly not substitute its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent."

Immediately after this *Stafford* citation, Chief Justice Taft said:

It is clear from these cases that if Congress deems recurring practices, though not really part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision and restraint.

We submit that Chief Justice Taft laid down the rule that findings of fact by the Congress of the United States precludes even the Supreme Court from substituting its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent. He said that in the case of *Stafford v. Wallace* (258 U. S. 495). He upheld the finding of facts by Congress that certain recurring practices, intrastate in nature, was a burden and interference upon interstate commerce in the case of *Board of Trade v. Olson* (262 U. S. 1).

It was in the case of *Hill v. Wallace* (259 U. S. 44) that a decision very similar to the A. A. A. decision appeared. The taxing power was relied upon to regulate and control the grain marts of the country. That act was held unconstitutional by Chief Justice Taft.

In the opinion he said that the taxing power alone was the source of power relied upon; that mention of the commerce clause could not be found in the statute from the beginning to the end. It was held in that case that tax was invalidated, as it sought to regulate intrastate transactions which were beyond constitutional power. That is exactly the situation in the Hoosac case; the levy is stricken down there because, as

Mr. Justice Roberts said, the thing sought to be regulated was not within constitutional power because it was intrastate transactions. After the case of *Hill* against *Wallace*, Congress passed a second act endeavoring to regulate the grain marts of the country, but in this act the commerce power in the Constitution was relied upon. There were findings of facts by the Congress that there were constant and recurring practices—intrastate transactions—that burdened and hindered the flow of interstate commerce. Chief Justice Taft upheld the validity of the act in a very illuminating opinion. This law is on the books today; it is in full force and effect today. We respectfully submit that the Taft philosophy with respect to the commerce clause is the groundwork and the foundation rock of the power that creates the Bituminous Coal Commission.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. CROWTHER. What has the gentleman got to offer with regard to A. A. A. decision in the matter of taxes, in relation to the decision of Chief Justice Taft in the second child-labor decision?

Mr. VINSON of Kentucky. There is a marked distinction in the A. A. A. case. The tax is held invalid, as I read the decision, because it was to be used for the regulation of that which was beyond constitutional power. In the Guffey Coal Act we maintain that the acts sought to be regulated by this tax is within the constitutional power and therefore valid.

My good friend from New York, Mr. CROWTHER, will distinctly recall that in the hearings on the Guffey coal bill we agreed that if our case is not brought under the commerce clause of the Constitution, that it cannot be supported under the taxing power. This is not a new position. This position was taken while the committee was considering the bill, during the hearings on the bill, and this has been our position from that day to this present day. If we do not bring our case within the commerce clause, I can say to my good friend from New York that we would fall under the adverse rulings of the Supreme Court, namely, the Child Labor case, where the taxing power alone was involved; and *Hill* against *Wallace*, where the taxing power alone was involved; and the Hoosac case—the A. A. A.—where the taxing power alone was involved. The opinion of the Supreme Court in the Hoosac case, as I read it, very clearly states that the invalidity of the tax is due to its being used to regulate that which is beyond constitutional power.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SCRUGHAM. Mr. Chairman, I move to strike out the last three words. The hearings on the Guffey coal bill are given in some detail on pages 104 to 109 of the hearings. The point to which I wish to call special attention is that the Guffey-Snyder Act will contribute a very considerable revenue to the Treasury of the United States, subject to the disposition of Congress. The production of bituminous coal in 1934 was approximately 360,000,000 tons and the average value of this coal at the mine was something like \$2 per ton. The tax provided in the bill is 1½ percent, or something like 3 cents per ton. Based on the production of 1934 the yield from this tax would be over \$10,000,000, and with the undoubted increase in the production of the coming year to approximately 400,000,000 tons the tax would amount to something like \$12,000,000. The cost of the maintenance and operation of the Guffey Bituminous Coal Commission, including the consumers' counsel, would be approximately \$990,000, as provided for in the Budget. Therefore, there is no net charge on the Treasury of the United States.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. SCRUGHAM. Yes.

Mr. RANDOLPH. I want to say at this point that the Guffey Coal Act and the creation of the National Bituminous Coal Commission have operated in my State and in other mining States to put an industry that was crippled and down for the count of nine on its feet and show the

first ray of hope not only to the miner but to the mine operator as well. Congress, after passing this much-needed legislation, cannot fail to provide proper funds to provide for the maintenance and operation of the offices that are necessary to the functioning of the same. This is a responsibility that I am certain we will not shirk.

Mr. HOLLISTER. Mr. Chairman, the gentleman from Kentucky [Mr. VINSON] has contended with his usual force and skill that the Guffey coal bill is based on a proper exercise of congressional power under the commerce clause. The gentleman, however, refers continually to that line of cases where the regulation by Congress of an act which might appear at first to be purely intrastate has been held by the Supreme Court to be such an integral part of a movement of goods from their source to their final point of distribution that it constitutes a part of the stream of interstate commerce. That line of cases is, of course, familiar to every lawyer, and if the Guffey coal bill were properly based on that line of cases or could be placed under it, there would be ground for contending that it is within the constitutional power of Congress. However, the Guffey coal bill places a tax on the sale of coal—not somewhere in the stream of commerce but when the coal first begins its trip from the mine. The Supreme Court has held on any number of occasions—I am sorry that, not realizing this was to come up today, I am not prepared to cite them all, although I could give them to the gentleman—that manufacturing, mining, and agriculture are not within the control of the Congress under the commerce clause.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. HOLLISTER. If the gentleman will permit me first to finish my statement, then I shall be glad to yield. I can refer the gentleman from Kentucky at the present time, with reference to the question of whether or not mining is within the control of Congress under the commerce clause, to the case of *Heisler v. Thomas Colliery Co.* (260 U. S. 245) and the case of *Oliver Iron Co. v. Lord* (262 U. S. 172).

Mr. VINSON of Kentucky. It is in connection with the Coronado case I wanted to ask the gentleman a question.

Mr. HOLLISTER. The Coronado case is a conspiracy case.

Mr. VINSON of Kentucky. There are two Coronado cases. Justice Taft wrote both opinions, but in the case where Justice Taft said that the mining of coal was an intrastate transaction, the gentleman will agree, in the next paragraph he said that Congress had the power the control the facts.

Mr. HOLLISTER. The gentleman is asking me a question which I am not able, without the report before me, to answer by stating just exactly what a particular justice did or did not say.

Mr. VINSON of Kentucky. It was an express invitation.

Mr. HOLLISTER. The gentleman will please wait until I finish because I have a limited amount of time. The gentleman will also realize that obiter dicta, in cases where the court sometimes goes beyond the particular question under consideration, cannot be cited as authority in other cases. The Supreme Court has held over and over again that mining, manufacturing, and agriculture themselves are not in interstate commerce and may not be regulated by Congress. Here is an attempt under the Guffey coal bill to bring about the regulation of actions not in the stream of interstate commerce. Here is an enactment which almost any lawyer would stake his reputation will be held unconstitutional, and it does not seem fit that we should go ahead and appropriate millions of dollars to enforce statutes of this kind and delude poor, innocent individuals who are trying to comply, only to find, as they did under the A. A. A., that they were deluded, and that the whole taxation situation and the whole legal situation is in a worse mess than it was before.

Mr. MAY. Will the gentleman yield?

Mr. HOLLISTER. I yield to the gentleman from Kentucky.

Mr. MAY. I voted for the Guffey coal bill, and I am very much interested in it being upheld by the Court, but I am

fearful of one feature of it, which the gentleman has not discussed, and that is the taxing provision, which provides that a tax shall be levied upon the market sales price of coal at the tipple, and that that shall be used or rebated to the operator who accepts the provisions of it and withheld from one who does not. Whether it is a revenue measure or a punitive tax is the question.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. HOLLISTER] has expired.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I voted against the Guffey coal bill, but I am opposed to the motion made by my distinguished colleague from Massachusetts [Mr. WIGGLESWORTH].

I have enjoyed very much listening to the constitutional argument. I have found it very, very interesting, but it seems to me it is entirely irrelevant, or only remotely connected, with the issue which is presented by the pending motion.

The Guffey coal bill was passed last year. This is an authorization in order to put it into operation. The legal steps taken by those who are raising the question of the constitutionality of the Guffey coal bill, have been instituted and are now pending in the courts. It seems to me that the basic question of constitutionality was properly discussed last year. It interested me with respect to the tax. I have my views as to whether or not it is constitutional in that respect. I believe that the objective sought, in a constitutional way, is something that most of us would admit is a worthy and deserving objective, namely, the ability of business to control itself against unscrupulous competitors, or to regulate those disintegrating influences which have a harmful effect upon both the employer and the employee, and upon society in general. We have to go along. Congress must pass legislation and it must be submitted to the courts for judicial determination. That is the pathway of legislation under our scheme of Government, the written Constitution—Congress passing legislation and the courts interpreting it, so that the legislative activities of this country are twofold. First, the legislative act, either being approved or disapproved by the Chief Executive, and then in the final analysis, interpretation by the Supreme Court as to whether or not the Congress acted within the powers granted by the Constitution.

The interesting question of the constitutionality was well discussed last year. As one who was impressed by it, and for other reasons, I voted against the bill, although I am in favor of the objective sought. I feel that the constitutional question on this occasion is not properly before the committee. It is an argument interesting to listen to, but should not be a reason for any Member, no matter how he voted last year, for voting against the appropriation this year. For these reasons, while I voted against the bill last year, I am equally opposed to the amendment offered by the gentleman from Massachusetts.

Mr. HOLLISTER. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HOLLISTER. I have listened with much interest to what the gentleman has said, and as an ordinary matter the gentleman is absolutely right. I believe that ordinarily these things should be left for settlement as the gentleman suggests, but when we have a situation, as we have today, of act after act being passed with the practical knowledge of a great many, at least, who are voting for them that these acts will be held unconstitutional, it does seem wrong and unfair to allow people to be deluded into thinking they can get the protection which the gentleman and I would equally like to give them by legislation of this kind. It does not seem right that they should be sold a gold brick.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. VINSON of Kentucky. It seems to me the gentleman from Ohio should not use that expression, "deluding the people", when two Federal district courts, one in the District of Columbia, Justice Adkins, upheld the stabilizing feature of the bill, and another district judge, Judge Hamilton, has

also upheld it. If that is true, then why does the distinguished gentleman from Ohio continually say that we are handing somebody a "gold brick" because those courts did not agree with him?

Mr. HOLLISTER. I would ask the gentleman to wait until the decision comes down from the Supreme Court of the United States.

Mr. McCORMACK. I am glad the distinguished gentleman from Ohio [Mr. HOLLISTER] agrees with the substance of my argument. I feel quite pleased that the thoughts which I entertain are in harmony with the thoughts of the distinguished gentleman from Ohio.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. ZIONCHECK. Mr. Chairman, I object.

Mr. Chairman, I rise in opposition to the amendment. I may say to the gentleman I shall be glad to yield to him.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Yes; but first I would like to find out from the gentleman from Ohio just what constitution he is talking about, the Constitution of 1787, or the Constitution of 1936 with the fourteenth amendment and everything else included, amongst which are many bad Supreme Court decisions.

Mr. HOLLISTER. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Yes; which constitution is the gentleman talking about?

Mr. HOLLISTER. I am talking about the Constitution I understood the gentleman from Washington and I were both operating under, the Constitution of the United States.

Mr. ZIONCHECK. Mr. Chairman, I object to so much time being taken up about this particular section. As a member of this subcommittee, I watched the preceding section pass without a minute of debate when \$300,000 was appropriated for oil control for Texas, for Tyler, Tex., because they found a lot of oil in a hurry down there, because a lot of little fellows happened to find it on their ranches; so the Government of the United States is going to spend \$300,000 to help the big fellows freeze the little fellows out, and not one word was said about it.

Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Yes.

Mr. McCORMACK. I cannot, of course, comment on the remarks of my friend who just spoke, because they apply in a different way than I have expressed myself. However, I want to refer to the remark of the gentleman from Ohio about "deluding the people."

The Constitution of 1787 is the Constitution of today, and I am perfectly contented and satisfied with it. Thus briefly do I express my views, but the gentleman from Ohio realizes that government itself is a living organism. While the human rights contained in our fundamental law are definite, the structure called government is a living organism, and it must go forward. We have got to look at things differently today than we did 100 years ago or 150 years ago when we were a nation of five or six million souls and 13 States. Economic development has brought changes; the situation that confronts us is entirely different in character. I am not going to go through the whole picture with which you gentlemen are better acquainted than I.

The progress and changes of economic laws bring with it social and political changes; bring abuses which must be controlled; which must be regulated; abuses arising out of private industry, which private industry is unable to control, the continuance of which will be harmful to the general welfare. It is only natural; it is only proper that the people look for a control of these abuses to the Government, whether the Republican Party is in control of the Government or the Democratic Party.

The legislative branch of the Government must experiment, must keep going forward in order to make and keep Government a living organism, meeting and performing its duties. This is all that we are doing, and this is not "deluding the public." I do not think the gentleman, in all sincerity—he is a fair and a distinguished man—means to let that charge remain in his remarks. I hope upon reflection he will express himself differently.

The N. R. A., many of us realize, was more of a temporary expedient in order to meet an emergency situation than it was long-range legislation. We have got to legislate from the angle of emergency when one exists, just the same as we must legislate from the angle of long-range permanency. The N. R. A., as originally passed, was never intended as permanent legislation; but you and I know that something is going to come out of the N. R. A. We know that when a proper public opinion has been formulated that something is going to be done along the line of the N. R. A., and demanded by business itself.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Industry cannot continue subject to the unfair competition of the unscrupulous 10 percent of business, a minority undermining and disintegrating the entire business structure. Ninety percent of business men want to do the right thing; want to pay their employees a living wage; want to give them reasonable working hours; but cannot because of the unscrupulous competition of a small minority. Competition is not a community matter like it used to be; today it is Nation-wide, yes, world-wide.

We did not know that the N. R. A. was unconstitutional at the time we passed it; not until the Court passed upon the law did we learn that. But we are all agreed with its objectives and feel that some of its objectives must be accomplished, whether by this administration or some future administration.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may proceed for 1 additional minute.

Mr. McCORMACK. I thank the gentleman, but I have finished.

Mr. ZIONCHECK. I wish to ask the gentleman a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ZIONCHECK. Will the gentleman from Massachusetts tell me whether he believes in competition in the future or not?

Mr. McCORMACK. Why does the gentleman ask that question?

Mr. ZIONCHECK. The gentleman said something about competition being ruthless.

Mr. McCORMACK. I said that competition of unscrupulous business men and their relation to the operations of the honorable business men had a disintegrating effect upon business in general.

Mr. ZIONCHECK. Which are in the majority, in the gentleman's opinion?

Mr. McCORMACK. Why, the number of honorable business men are in the great majority.

Mr. ZIONCHECK. Well, I disagree with the gentleman.

Mr. McCORMACK. We all have a right to our individual opinions.

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 32, noes 51.

So the amendment was rejected.

The Clerk read as follows:

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, \$493,770.

Mr. TABER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question. It seems to me this is one of the items in which there is a substantial increase. I have been unable, after examining the hearings, to see any reasonable justification for this increase, which amounts to \$21,860. Does not the chairman of the subcommittee think we could get along if we appropriated the same amount allowed last year?

Mr. TAYLOR of Colorado. I may say to the gentleman that we have only provided for three new employees. That is my recollection.

Mr. TABER. The amount of increase is \$21,000.

Mr. TAYLOR of Colorado. My understanding is, I may say to the gentleman from New York, that there were a good many lapsed salaries and administrative furloughs which will not occur to such a great extent next year. That is one explanation given to us.

Mr. TABER. The Budget figures seem to indicate seven new employees. It does seem as if we might be able to get along without continually increasing the employees of these various departments. I think that we really ought to reduce this item to what it was last year.

Mr. TAYLOR of Colorado. You will find at the top of the tabulation on page 697 there is one clerk provided for at \$2,300 and two file clerks at \$1,440 each. We thought the showing justified this increase. They have an immense amount of work to do, and I thought the hearing justified it. That is the reason our committee granted it.

Mr. TABER. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 16, line 21, strike out "\$493,770" and insert in lieu thereof "\$471,910."

Mr. TABER. Mr. Chairman, I have offered an amendment to reduce this appropriation to the exact amount it was last year. I do not see how we can continually increase these appropriations without getting into trouble. Frankly, I think we ought to adopt amendments that will reduce these appropriations and this Committee should as far as it can cut them down. There are no new activities in connection with this operation which would justify, in my opinion, an increase in personnel, and I believe that the amount should therefore be reduced to what it was last year. They will certainly have enough money to get along on if they receive the same amount they have for the current year. I hope, Mr. Chairman, that this amendment will be adopted.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at the bottom of page 698 there is an additional explanation of this particular item. The gentleman from New York will realize that there are reallocations and promotions under the Classification Act, and this increased item is merely to take care of the regular promotions and reallocations under that law. That is all set forth in the last paragraph. It says:

From July 1, 1934, to June 30, 1935, there were 13 employees reallocated in the higher grades. The reallocations involve an increase in pay of \$6,000 annually. A corresponding increase in appropriations has not been made. Since July 1, 1935, 13 other positions have been reallocated involving an additional pay of \$5,180. At the time of our Budget hearings only three of these reallocations had been approved.

They then go ahead and show the salaries paid to these officials during various administrations. These increases are merely automatic reallocations and increases in salary under the classification law. We have simply carried out the law and made these additional appropriations to comply with the law. It would be an overturning of the law if we did not allow the increases.

Mr. TABER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. I yield to the gentleman from New York.

Mr. TABER. It appears on page 301 of the Budget that this appropriation carries an increase of seven employees. There has been no justification for this whatever, and it seems to me we ought to adopt the amendment and stop this increase.

Mr. McGROARTY. Mr. Chairman, I offer a substitute for the amendment of the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. McGROARTY as a substitute for the amendment offered by Mr. TABER: On page 16, line 21, strike out "\$493,770" and insert in lieu thereof "\$25,000."

Mr. McGROARTY. Mr. Chairman, you have now come to a place in this appropriation bill where this House should be filled, with every Member in his seat and every Member alert and reading every word of the bill under this Indian Bureau appropriation. I sat for 5 months in the past session of the House on a subcommittee of the Committee on Indian Affairs when we held hearings from all sources, executives of the Indian Bureau and the Department of the Interior and Indians themselves from all parts of the United States. Back of this for years and years I have followed the activities of the Indian Bureau with keen interest and close attention. I have written about it, I have protested against it, I know the Indian people and I know what this Bureau has done.

Now, in order to bring it more drastically and more vividly before the minds of the Members of this House I have made what might look to you as an extravagant proposal, that the expenses of the office of the Indian Bureau here in the city of Washington be cut from almost one-half million dollars down to \$25,000. From my knowledge of the situation and of the Indian Bureau and what it does, I believe with all my heart and all my judgment, that \$25,000 is plenty to run this office.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. McGROARTY. I have just 5 minutes and let me go on, please. This is the only chance I will get, I guess, to take a whack at this thing that I have tried for 40 or 50 years to get a whack at, and let me have it, will you not.

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent that the gentleman from California be given 5 additional minutes. Forty years of waiting is entitled to 10 minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the time of the gentleman from California be extended 5 minutes. Is there objection?

There was no objection.

Mr. McGROARTY. I thank the gentleman.

Envisage a harassed Secretary of the Treasury burning the midnight oil, sitting in his chair in the "dog watches" of the night, with cold compresses on his head, wondering where he can get money to meet the appropriations made by this Congress. Here is where we can help this distressed gentleman.

If I could, I would deny all these appropriations to the Indian Bureau. It is an infamous thing. It has blackened the history of this Republic with its dirty fingers for 100 years. If we could abolish the thing, it would do two things. It would take the Indian Bureau off the back of the Government and it would take it off the backs of the Indians. It has never done anything but harm to the Indians, and here comes this impudent proposal in two lines, characteristic of the effrontery of this little, nasty oligarchy that exists in this Government—in two lines, asking for the Commissioner of Indian Affairs and personal expense in the District of Columbia—that is all it says—\$493,770. They ought not to have a cent of it.

They pile up work, they create work. Why, they have 7,300 employees in the Indian Bureau, one for every 40 Indians in the United States. There is nothing like it in any civilized country in the world. It has been damned for 100 years by Presidents of the United States, by Mem-

bers of the Congress, both in the House and in the Senate, and still it defies every attack that was ever made on it and sits snug and serene in its own arrogance.

Think of the Indian people of this country, Mr. Chairman, who have been wronged and outraged and robbed through a century of dishonor, and realize, as I know from the hearings of the subcommittee of the House Committee on Indian Affairs, that this Bureau is no better now than it ever was, and in some ways it is a lot worse. If I had the time I could tell you things here that you would think hard to believe, but which are true; things like when the Commissioner of Indian Affairs wanted to reorganize the Indian schools he sent to Mexico for a man to do it. He sent to the Republic of Mexico for a man who comes from a country where every teacher in every public school has to take an atheistic oath. Nobody in the United States being capable of reorganizing the Indian schools he sent to Mexico; and on the agrarian question, when the lands were to be surveyed and reorganized, he sends to Turkey or Russia for another foreigner. There is nobody in the United States available.

This Indian Bureau is so vile that it makes the blood of an honest American run cold in his veins and brings the blush of shame to his cheeks. Now is the time to quit talking about it and do something to curb these vicious activities.

So I trust the amendment offered by the gentleman from New York to cut the amount down a few thousand dollars will give way to my substitute and cut it down to \$25,000. This is plenty for this office in Washington with a Commissioner of Indian Affairs and a few clerks. I can take the few clerks in my office and run the whole business. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from California for the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. McGROARTY) there were 36 ayes and 21 noes.

Tellers were demanded, and 18 Members rose, not a sufficient number.

Mr. KVALE. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and three Members present, a quorum. The question recurs on the amendment offered by the gentleman from New York [Mr. TABER], as amended by the substitute by the gentleman from California [Mr. McGROARTY].

The question was taken; and on a division (demanded by Mr. TABER) there were 51 ayes and 28 noes.

Mr. KVALE. Mr. Chairman, I make the point of order that there is no quorum present, and object to the vote on that ground.

The CHAIRMAN. The gentleman from Minnesota makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and two Members present, a quorum.

The Clerk read as follows:

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 986), including personal services, purchase of equipment and supplies, not to exceed \$10,000 for printing and binding, and other necessary expenses, \$160,000, of which not to exceed \$41,060 may be used for personal services in the District of Columbia.

Mr. BURDICK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BURDICK: Page 18, line 7, after the word "exceed", strike out "\$10,000" and insert in lieu thereof "\$5,000"; on page 18, line 8, after the word "expenses" strike out "\$160,000" and insert in lieu thereof "\$10,000"; and in line 9, after the word "exceed", strike out "\$41,060."

Mr. BURDICK. Mr. Chairman, I call the attention of Members to a situation among the Indians to which I believe Congress should pay some attention. It will be recalled that in June 1934, Congress passed an act known as the Wheeler-Howard Act, a reorganization act affecting the

lives and destinies of the American Indians. When the act was presented to the Indians for their ratification, the law was interpreted to be this: Suppose they had 800 Indians capable of voting, and 398 of those Indians voted "no", and 2 of them voted "yes", the Indian Bureau decided that the 2 had won that election, that it took a majority against the act to exclude it; and this Congress in the first session, by unanimous vote, corrected that defect in the bill, which really never existed at all, because it was nothing but an interpretation rather than law. One hundred and sixty thousand dollars is provided in this bill for expenses of securing the approval of the Indians to this act. This provision in the bill I move to strike out, and why? One hundred and sixty thousand dollars for what? One hundred and sixty thousand dollars to keep the Indians stirred up, to keep these agents out among the Indians telling them of the advantages of this New Deal among the Indians, that it is self-government, when it does not mean self-government at all. They are to be governed by a board of business managers, elected by the Indians themselves; but, as it happened in Oregon, if the business managers do not satisfy the Indian Bureau, then the Indian Bureau, through the Department of the Interior, has the right to remove the whole committee, and has done so. So instead of giving the Indians self-government, they have given them more bureaucratic control. One hundred and sixty thousand dollars! The bill provides:

For expenses or organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934.

That refers to the Wheeler-Howard Act. Then for printing, \$10,000.

I am reminded of this situation because I have lived among the Indians for over 50 years. Some people believe that I am one, but if I am it is only through the fact that I have lived with them so long. In 1888 an act was passed in this Congress opening up the Indian reservation for settlement in our territory, and the Indians had to vote upon that subject by a vote of three-fourths of all male Indians over the age of 18 years. When that matter was submitted to the Indians of my territory, they voted "no." They did not want to open up their reservation. But what happened? As soon as that vote was recorded this Indian Bureau, their agents and employees, were put to work in that territory, their employees and all of them, and hordes of speakers went among the Indians and put on another election, and that second election caused the outbreak of the Sioux Indians against the Government of the United States, resulting in the Battles of Grand River and Wounded Knee, all because the Indian Bureau insisted on making them vote again. What have they done in North Dakota again this year? The Indians voted to go into the act before they knew what it was, and when it came to adopting rules and regulations, bylaws, they said "no", and they voted last fall "no", but what is the situation today? This Indian Bureau is out there with employees stirring up those Indians, family against family, to get them to vote again on the same thing, and all over this country the Indians are stirred up because of the influence of this Bureau.

I say you were dead wrong when you were appropriating \$160,000 for this Indian Bureau to stir up more trouble among the American Indians. I say to you that \$10,000 is enough. The Indians have a right to know what an act is and the Bureau has a right to tell them, but they have not the right to send hordes of speakers and employees out there. Do you know that the Department of the Interior has sent a letter out to every employee of the Indian Bureau actually threatening them with dismissal from the service if they opposed the act or advised their people to oppose it?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 5 minutes.

Mr. BURDICK. No; you need not do that. I move to strike out the last word.

Mr. ZIONCHECK. Mr. Chairman, I make the point of order that the gentleman cannot do that.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. ZIONCHECK. Mr. Chairman, I rise in opposition to the motion. I do not know very much about the Indian matters in this appropriation bill, but I have a sympathy for the Indian, although I have not an Indian in the district which I represent. I feel some responsibility for the asinine action of the committee just a moment ago, and I am speaking rather frankly, because I asked that the lovable gentleman from California [Mr. McGROARTY] have an additional 5 minutes, in which time he could say what he has wanted to say for 40 years and this was the first time he has had a chance to say it, that \$25,000 is enough to administer Indian affairs rather than \$496,000. It was the opinion of the committee that one of the Members would answer the gentleman from California, because there is an answer to it, but that Member thought some other Member was going to answer it and through inadvertence no answer was made.

As far as the Indians are concerned, in 1832 our Government, under and after solemn treaty to the contrary, took every Indian from east of the Mississippi by armed force, thousands of them, in the dead of winter, and dropped them in Oklahoma, and that is the reason Oklahoma has so many Indians today.

The white man stole this country from the Indians, gave them diseases of all kinds, tried to get them to emulate his way, and now they are suffering from tuberculosis and everything else. Then the kind gentleman from California [Mr. McGROARTY] says, "Now, the poor creatures, let us take the Indian Bureau off their backs and let them take care of themselves", when they are no longer able to do so. [Applause in the gallery.]

Mr. BANKHEAD. Mr. Chairman, a point of order. There seems to be some confusion in the gallery.

Mr. ZIONCHECK. Oh, that is all right. I have no objection to it.

Mr. BANKHEAD. But it invades the privileges of the House. I make the point of order that the privileges of the House have been invaded. I do not know who it was, but the Doorkeeper should certainly look into the proposition.

Mr. ZIONCHECK. Mr. Chairman, at this time I ask unanimous consent that I have an additional 10 minutes.

The CHAIRMAN. Is there objection?

Mr. HOOK. Mr. Chairman, I object.

Mr. ZIONCHECK. Oh, you would object.

Mr. HOOK. Yes; I will object.

Mr. ZIONCHECK. My time has not yet expired.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. HOOK. I object, Mr. Chairman.

Mr. ZIONCHECK. Now, Mr. Chairman, as far as this appropriation is concerned, that speech of Mr. McGROARTY might have been proper 3 or 4 years ago, when under the allotment plan they were stealing the land from the Indians and taking it away from them, robbing and exploiting them, aided by the Government, but under the present plan they are trying to rehabilitate them so that they can help themselves and get off the back of the Government.

Then the kind, sympathetic gentleman from California [Mr. McGROARTY] comes and says, "Let us not let them do it." You know. Save money, just the same as the watchdog of the Treasury over there. Penny-wise and pound-foolish. Were you serious or were you clowning?

Mr. McGROARTY. Oh, you will burst a blood vessel.

Mr. ZIONCHECK. Oh, no; I will not burst a vein.

Mr. McGROARTY. Do not get mad about it.

Mr. ZIONCHECK. I am not mad. I am a little warmed up. I resent it when five gentlemen who have Indians in their districts vote as they did on the previous amendment just because they want to demonstrate their ill will against our Indian Commissioner. They would cut off their noses to spite their faces. As to the gentleman from California, when he learns the true facts of the Indian situation he will regret his hasty and ill-advised action in submitting

that amendment and will be the first to admit his mistake.

The present amendment is the same type as the one just passed. It is my hope that the Members present will be big enough and fair enough to do right and vote it down.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the particular amendment under consideration is an amendment affecting Indians exclusive of my State. At the time the Wheeler-Howard Act was adopted by this Congress, Oklahoma was excepted from its provisions, and very wisely so, I think, by reason of the fact that the then representatives of that State thought that the provisions of the bill did not fit the situation of our Indians.

Only a minute ago I walked into the Chamber when the appropriation of \$493,770 for the Bureau of Indian Affairs was cut to \$25,000. Some of you Members who voted for that appropriation, I presume, did so because you felt that you were taking a cut at some of the personnel in the Indian Office itself. I presume you voted for that appropriation because you wanted to punish the Commissioner of Indian Affairs or the Assistant Commissioner of Indian Affairs or somebody else. I want to say this to you, that probably you did punish them some, but they will be the last to suffer. If you leave any appropriation here, those boys will get their salaries, no doubt; so that you have punished the Indians of this Nation, the Indians with whom your Government many years ago negotiated treaties to reimburse and protect them for the right and privilege of occupying and improving and taking the land which was theirs.

Mr. McGROARTY. Mr. Chairman, I make a point of order. The gentleman is not speaking to the amendment.

Mr. KVALE. Will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. KVALE. In line with the gentleman's timely observation, will he ask the Committee for unanimous consent to reconsider the frivolous and very ill-timed action which it took, to which he refers?

Mr. NICHOLS. No; I will not, because I could not get unanimous consent, and I do not think it makes any difference, because I think we will put it back in when we get back into the House.

Now, let me address my remarks to this particular appropriation for a moment. I do not know whether it is so frivolous or not, despite the fact that it does not apply to Oklahoma. Do you know what they are attempting to do with these funds? Do you know what they are attempting to do under the Wheeler-Howard Act? They are attempting to take the poor Indian and put him back on land so that he will become self-supporting and self-sustaining. Of course, I see a smug grin on the face of some of my distinguished Republican colleagues from the industrial North and the financial East, who do not have any Indians in their districts, nor do they care what becomes of any of them.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. NICHOLS. Yes; I yield.

Mr. MARCANTONIO. The gentleman is mistaken. As a matter of fact, on Manhattan Island we have a tribe of Indians, a very famous and historic tribe known as the Tammany Indians, and my objection to this bill is that we make no appropriation for that tribe of Indians. As a matter of fact, they need more help now than ever before, especially since their big chief with the brown derby has decided to take a walk. [Laughter.]

Mr. NICHOLS. I was not referring to the gentleman from New York, but if he were grinning I am sorry I did not see him. I really was not referring to him. As for the big chief in the brown derby, he may keep walking until his feet are worn to stumps before his actions or statements will have any effect on the vote cast by the rank and file of the people of this Nation.

Mr. McCORMACK. I think the gentleman's remarks about the industrial East are not correct, because some of us from that section voted for and will continue to vote for these appropriations. I think the gentleman ought to correct his statement in this regard.

Mr. NICHOLS. No doubt my statement was too general in its terms. Certainly I do not want to alienate any Member who did go along with it; I do not want to do an injustice to him.

Mr. McCORMACK. The gentleman could not alienate me, but such a message as that contained in the gentleman's statement sent out to these good people might have the effect of making them feel that the industrial East was against them.

Mr. NICHOLS. I do not want to do any injustice, neither do I want this House, in the spirit that was evidenced a minute ago, to do irreparable damage to the Indians of this Nation. That is what is being done by these amendments.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I, too, happen to come from a district that has two Indian reservations in it. I happen to have been born and raised in the Northern Peninsula of Michigan and to have worked on an Indian reservation in northern Wisconsin. I happened to see the ravages of the Indian Bureau that took away from those Indians every cent the Government ever appropriated for their benefit. I saw the actions of the Indian Bureau and its agents in the past result in the loss of millions of feet of white pine and Norway pine and millions of dollars, leaving those unfortunate people destitute and at the mercy of unscrupulous exploiters.

Mr. ZIONCHECK. When; what year?

Mr. MAVERICK. What year was that?

Mr. HOOK. Mr. Chairman, I refuse to yield.

Mr. ZIONCHECK. The gentleman cannot answer that.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. HOOK. Mr. Chairman, I refuse to yield.

Mr. Chairman, I resent the attack that was made on the gentleman who had nerve enough to stand up here and fight to cut down the appropriation of the autocratic Indian Bureau. I resent the attack that was personally made upon him. I resent the fact that any man or any Member of this House would sarcastically refer to another bill that probably is not quite so popular, which I think I shall vote against, to try to arouse this House against the good work of this gentleman from the West, the gentleman from California [Mr. McGROARTY].

I want to call attention to the fact that I believe some appropriations should be made for the Indian Bureau, but I believe also that we should cut down the enormous amount of money that has been appropriated to them and which they have squandered in the name of the Indian. I believe it is about time that we as Members of this House not only cut down on the appropriations for that Bureau but also on appropriations that have been allotted to a good many of the other bureaus. [Applause.]

I think that when gentlemen of the caliber of our colleague from California, Mr. McGROARTY, take this floor that they should not be personally slandered from this floor. When we have nerve enough to stand up here and tell these bureaucrats administering Indian affairs that they are not going to act in the high-handed manner in which they have been acting for a great many years past we shall probably get some efficiency from that Bureau and the Indians will get something with the money that is being appropriated by this Congress.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. RICH. Can the gentleman tell us how many of Mr. Collier's relatives and family are employed in that Bureau and drawing down big salaries?

Mr. HOOK. I do not know.

Mr. MAVERICK. How long ago was it that the gentleman saw these abuses of the Indian Bureau to which he called attention?

Mr. HOOK. I have seen it from 1909 right up until the present time. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. MAVERICK. Mr. Chairman, I object.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. MAVERICK. Mr. Chairman, I get mighty tired hearing indiscriminate talk about bureaucracy and Members talking about it in a general and vague way without any facts on which to base their conclusions. Now, I have not any specific information concerning the Indian Bureau except what I have seen.

Personally I think Mr. Collier, whom I have met only once, is a pretty good man. I went through the Indian pueblos in New Mexico and Arizona this summer and I saw some of the finest work that is being done in the United States in the way of preventing soil erosion and the general work of conservation. They have put up dams in certain places and fences in others; and you will see where the Indian land is being built up and growing grass, but you will see the white man's land is going down, going to ruin.

Another thing you will see in this Indian reservation for these people who have been suffering for 5 years, and maybe 50 years, dentists going there and fixing the teeth of the Indian children. Health in general is being improved and protected. Now for the first time in a great many years the Indians are having a square deal.

As far as I am concerned, I think Harold L. Ickes knows and understands the Indian question, and I believe the Department of the Interior and the Indian Bureau are doing a good job. [Applause.] I do not know whether the Indian Bureau needs all of this money or not, but I presume the Committee on Appropriations has given it their attention and intelligent consideration. To come up here and say that we are going to cut something from \$160,000 to \$10,000 without any scientific consideration is just absolutely criminal foolishness. It is utterly crazy. I think we ought to leave it as it is, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The amendment was rejected.

The Clerk read as follows:

Authorization for attending health and educational meetings: Not to exceed \$7,000 shall be available from applicable funds for expenses (not membership fees) of employees of the Indian Service when authorized by the Secretary of the Interior to attend meetings of medical, health, educational, agricultural, forestry, engineering, and industrial associations in the interest of work among the the Indians.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment, which I send to the desk. This amendment merely corrects a typographical error. The word "the" appears twice, once at the end of line 16 and at the beginning of the line 17. My amendment cuts out one of the words.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado: Page 19, at the beginning of line 17, strike out the word "the."

The amendment was agreed to.

The Clerk read as follows:

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 985), including personal services, purchase of equipment and supplies, and other necessary expenses, \$1,000,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1936, of which not to exceed \$30,540 shall be available for personal services in the District of Columbia: *Provided*, That within the States of Arizona and Wyoming no part of said sum shall be used for the acquisition of lands outside of the boundaries of existing Indian reservations: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also incur obligations, and enter into contracts for the acquisition of additional land, not exceeding a total of \$1,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment

of the cost thereof, and appropriations hereafter made for the acquisition of land pursuant to the authorization contained in the act of June 18, 1934, shall be available for the purpose of discharging the obligation or obligations so created.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. TABER: On page 23, line 8, strike out line 8, page 23, to page 24, line 4, inclusive.

Mr. TABER. Mr. Chairman, there are about \$2,000,000 involved in this paragraph which will come out of the Treasury of the United States. This entire thing means the purchase of \$2,000,000 of land. I have gone over the hearings in connection with this matter, appearing on page 771 and subsequent pages, and I can see no justification whatever for this appropriation. There is no evidence whatever that these Indians have not plenty of land on which they can work if they desire to work. There is no evidence to show that they cannot get along with what they have. There is no evidence that this proposition will do anything more than just spend the money of the Treasury of the United States uselessly and to no good purpose whatever.

Mr. Chairman, if we do not begin we shall never stop spending money. I hope the Members of the House will adopt this amendment and save the Treasury of the United States \$2,000,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this section embodies the whole principle and purpose of the Wheeler-Howard Act. It provides for the acquisition of land, water rights, surface rights, and other property rights that are necessary for the rehabilitation of the Indians. It is a tremendously important section and necessarily does involve a large amount of money. But I feel that the Commissioner of Indian Affairs is very earnestly and honestly trying to do something worth while for all the Indians. We do not all agree with some of his methods or ideas. I did not approve of that act. That is, I feared its administration might do more harm than good. At the same time I feel that we ought not to recklessly and impetuously destroy an act that Congress passed after long consideration and which the Commissioner is now in the process of administering. It would be as utterly wrong as it was to adopt the previous amendment. If we are going to deliberately repeal the Wheeler-Howard Act and throw all these matters into a scrap heap and go back to where we were before, this is the route to take.

I think we should uphold the Interior Department, uphold the Administration, uphold the action of Congress and the action of the Appropriations Committee last year and this year. It seems to me some gentlemen are making a mountain out of a molehill in connection with some of these items. The real question involved here is whether or not you want to destroy the whole Indian Service and wipe out the Commissioner's office. That is what it amounts to.

Mr. MAVERICK. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I yield to the gentleman from Texas.

Mr. MAVERICK. Is this money to be used out in Arizona and New Mexico for the assistance of the Navajo Indians?

Mr. TAYLOR of Colorado. It is for all the Indians. The Navajos are the largest tribe.

Mr. MAVERICK. Does it not include the Navajo Tribe, which has increased 10 times in number, and does it not take care of land that has been overgrazed, and does it not provide for a situation where these people are going to starve to death unless proper conservation methods go through?

Mr. TAYLOR of Colorado. The gentleman is correct.

Mr. MAVERICK. Then there will be a drain on the public purse unless we protect these Indians?

Mr. TAYLOR of Colorado. Yes; unless we can make it possible for these Indians to become self-supporting by giving them land and stock, and seed, and the necessary implements, water rights, and opportunities of helping them get on their feet, we will have to let them die or feed them

on a dole. I feel this is a constructive provision that we ought to keep in the bill.

Mr. TABER. Will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from New York.

Mr. TABER. Is there any evidence that these Indians have become self-supporting as a result of this legislation?

Mr. TAYLOR of Colorado. A sufficient time has not elapsed to find out how it will work. They have hardly got started going yet.

Mr. PIERCE. Will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from Oregon.

Mr. PIERCE. What proportion of the Indians are taking advantage of the Wheeler-Howard Act?

Mr. ZIONCHECK. Two hundred and seventy-six tribes.

Mr. TAYLOR of Colorado. I understand a large number of the various Indian tribes are in process of organizing—not all of them.

Mr. PIERCE. All of Oklahoma is exempt; all of Oregon is out and practically all of Washington.

Mr. TAYLOR of Colorado. The hearings show the situation. Of course, there are hundreds of tribes of Indians and they all have different conditions, different characteristics, different treaty rights, and different property rights.

Mr. PIERCE. I just wondered how many have taken advantage of this act.

Mr. TAYLOR of Colorado. About one-third of all of them are located in Oklahoma. The rest are scattered around over about 20 States.

Mr. KVALE. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. TAYLOR of Colorado. Yes.

Mr. KVALE. Is it not true that a law of this magnitude, with its complexity of administrative problems, cannot get into its stride in the space of a few months?

Mr. TAYLOR of Colorado. Certainly. These offered amendments are intended to destroy the law before it can be put into operation.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last two words.

I am not familiar with this appropriation bill, and it was not my purpose to take any part in the debate upon it, but there seems to be some little element of passion and feeling engendered in the discussion of these items that I do not think ought to sway or impel the judgment of the members of the committee.

Now, what is the proposition advanced by the gentleman from New York [Mr. TABER] in his amendment? Here is a bill that was considered for a number of years by the Congress of the United States. We had some sharp issues upon its merits before it was passed. It was the judgment of the Congress and of the Executive that it was a bill that ought to be put into operation, and in due course the Bureau of the Budget, in order to carry out the provisions of the measure in an orderly fashion, sent to the Appropriations Committee these estimates.

I fully agree with the chairman of the subcommittee that, certainly, it is not the proper method of filing objections to the administration of a bill to take the indirect method of seeking to emasculate its operation by striking out the appropriation. This, in a measure, is a left-handed attack upon the wisdom of the legislation itself.

This appropriation is justified by all the rules of appropriation bills. The bill was duly passed and is in operation. I am no special pleader for the Indians. I know nothing about them; I have none of them in my section of the country, but they are dependent upon this appropriation to carry out an act of Congress, and certainly it seems to me it would be acting in bad faith to them for a member of the Appropriations Committee here, without any opportunity to be heard with reference to the merits of the matter, to strike out the whole appropriation which is intended to carry out the provisions of what I regard to be a humanitarian measure, whether it is wise in all its aspects or not; and I trust

the committee will sustain the Committee on Appropriations in making these items available for carrying out the purposes of the bill.

Mr. PIERCE. Mr. Chairman—

Mr. BANKHEAD. I may say to my friend from Oregon I am not familiar with the details of the measure, but I am discussing the propriety of providing the necessary appropriations to effectuate an act of Congress.

Mr. PIERCE. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I voted against the Howard bill. I did so intentionally and knowingly on the advice of the Indians in my district. There are three tribes of very intelligent Indians in my district. I am well acquainted with them and many of them are highly educated and talented. They have all rejected the Howard Act by their votes.

I am going to vote for the amendment of the gentleman from New York. It seems to me the committee should have specified where this money is to be spent and on what reservation and given us some knowledge which we are unable to obtain from the hearings. Many people who ought to know do not have a high regard for the competence of the Indian Bureau.

There is one small tribe of less than 200 Indians living in my State, out on the garbage ground of the little city of Burns, in central Oregon. For months we have been trying to have those Indians moved about 2 miles to some land in the valley, so they might milk their own cows and gather their own eggs and help to take care of themselves. These little houses, built a couple of miles away from the land that was finally purchased, are still standing out there among the garbage cans and I do not know how much the Indian Bureau has spent in inspecting this piece of land and trying to arrange for the removal. I do know that trip after trip has been made, by air and otherwise, going out there to look the land over. I intend to learn how many thousands have been spent without result. They have had the counsel of the Indian agents at the different agencies in Oregon until the Bureau has just worn out the patience of everyone trying to help them carry out the proposition in anything like a businesslike way. If they are going to spend this \$2,000,000 in the way the Bureau spent \$20,000 at Burns you can depend upon half of it being wasted.

Mr. DIMOND. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, the Wheeler-Howard Act extends only in part at the present time to the Territory of Alaska, and may I say that I probably represent as many Indians as almost any other Member in Congress, since there are 30,000 of them—Indians and Eskimos and Aleuts—residing in my Territory.

Before proceeding further, let me pay a deserved tribute, if I may, to the operation of the Office of Indian Affairs in Alaska. In Alaska, within my personal knowledge, the Bureau, or Office, of Indian Affairs has never become involved in partisan politics but has operated for the benefit of the natives, but with an improved and increasing efficiency as the years have passed. And in fairness and justice I must say that the present administration has worked wholeheartedly for the benefit of the Territory which I represent in Congress. During my tenure of office as Delegate from Alaska, while I may not have agreed upon every point of policy with the officials of the Bureau, I am confident that they have always acted with a single mind for the benefit of my native constituents. The Alaska office of the Indian Affairs Bureau is becoming increasingly efficient, and my prayer is that no backward step be taken now to destroy that efficiency and the service we are receiving. If the Indian Bureau is destroyed—and that seems to be the object of some of the Members of this body—I fear and almost despair of the welfare of my native friends in Alaska. They are the ones who will suffer most, not the employees or the officials of the Bureau in Washington.

Somehow I am unable to believe that the membership of this House wishes to abolish the Indian Bureau at one fell

swoop. Of course, I have heard the reports of the distant past, as to which it was said that the Bureau was the official agency through which the white people were enabled to legally despoil the Indians. But I have no personal knowledge of such matters. I do know that at the present time, and in Washington as well as in Alaska, I find, and have found, since I have been Delegate in Congress from Alaska, a most heartening disposition on the part of the officials of the Office of Indian Affairs to help and aid my native Alaska friends in every possible manner. Somehow I am unable to believe that in their actions in other parts of the United States the officials and employees of the Indian Bureau are either fools or satans faintly disguised. Let us remember that with one exception no human being has ever achieved the crowning glory of perfection. Unless we are unduly sanguine, we shall admit that we all may make mistakes.

When the Wheeler-Howard Act was passed—or rather, was in course of passage—I sought to have the provisions relating to economic benefits and to educational aid extended to Alaska. With this view the Commissioner of Indian Affairs, Mr. Collier, was most sympathetic and helpful. Accordingly the bill as passed by the House and a companion bill, or perhaps the same bill, as passed by the Senate, adequately covered Alaska. But in conference, through what was evidently an oversight, Alaska was omitted from a large portion of the benefits of the act. That should now be corrected. You will understand that I was not a member of the conference committee of the House and the Senate on the bill, and hence I was unable to prevent the inadvertent mistake which was made with reference to Alaska.

The Wheeler-Howard Act, as I have said, extends only in part to Alaska, but I have introduced and am pressing for passage as forcibly as I can a bill which will extend the entire act to the Territory of Alaska. I do it because the best organized body of Indians in Alaska have held a convention and have decided that the Wheeler-Howard Act offers the only possible opportunity for them to become self-supporting and to raise their economic status.

The Wheeler-Howard Act means not only funds to provide food and clothing, which would only last for a day or a year, it means money to put them in a position where they can help themselves. We are trying to help them, and this act is the wisest step ever taken, to my knowledge, for the benefit of the Indians not only in the United States but in the Territory of Alaska. [Applause.]

It would be a terrible, a tragic mistake, to sustain the motion of the gentleman from New York and thus cut out funds which are designed to be used in carrying out the provisions of the Wheeler-Howard Act. If this is done, it would have been better not to have enacted this statute at all. From a legislative standpoint I suggest that the lucid and convincing argument of the distinguished majority leader [Mr. BANKHEAD] which he has just expressed is unanswerable. But from the more important standpoint of human right, and human justice, and human need, the position of those of us who oppose the proposed amendment and support the appropriation is still more unassailable. We are dealing with the permanent welfare of human beings, not mere legislative abstractions or legislative policies. Are we so fickle and so lacking in calm and considered judgment as to pass a law one day and on the next cast it into the outer darkness?

The Wheeler-Howard Act has not even been tried out. There has not been time to try it out. That was clearly indicated in the question asked by the able gentleman from Minnesota [Mr. KVALE] who is always solicitous of the rights of those who are relatively poor in this world's goods, and the answer given by the brilliant and beloved chairman of the subcommittee, Mr. TAYLOR. The Wheeler-Howard Act was passed by both Houses of the Congress and signed by the President, and it is the law of the land. It was passed so recently that the signatures are scarcely dried on the enrolled bill. But apparently because it has not already accomplished positive miracles, an attempt is now being made to prevent being put into operation its most promising benefits for the Indians of the Nation.

Few voices were raised when the Indians were being robbed of their heritage. Why should we be now so solicitous to prevent what I am confident is an intelligent and an honest attempt to restore to the children in a small way, in a feeble way, a little portion of the equivalent of the patrimony of their fathers.

I know what has happened in Alaska. The white men have come in and they have taken over almost everything with scant, if any, regard for the property or other rights of the natives. The Indians and Eskimos and Aleuts have simply been all but crowded out, the result not so much of malice as of careless selfishness. These native people are kindly, they are generous, they are intelligent. I have lived in Alaska many years. It is my home. At the end of my span of life I hope to be buried there. I have traveled extensively over the Territory, particularly during the years when I was a prospector, and never in all of my journeys have I met with anything but hospitality and kindness from the native Eskimos and Indians and Aleuts of Alaska. If to love one's neighbor as himself is a virtue the natives of Alaska possess that virtue. Let us give them a chance to build up their own domestic economy and thus gain the self-respect and spiritual development which always accompany, within reasonable limits, an improved economic condition.

As I pointed out in remarks which I made on the floor of the House on January 28 of this year, Alaska is paying her own way, and the Territory is the Nation's greatest undeveloped resource. With respect to the native inhabitants of Alaska, it must be said that the present white residents of the Territory have benefited little, if at all, by the losses suffered by the natives. The natives have lost their well-recognized rights and claims to the lands, to the fisheries, and to the wild game, and the furs. But generally all of those rights of property have fallen into the hands of persons who do not reside in Alaska. This is especially true with respect to rights as to the fisheries. This does not affect our obligation to do justice to the natives. We can do justice in only one practicable way, and that is in furnishing them sufficient financial assistance under the Wheeler-Howard Act to give them a fair degree of economic security. Adopt the proposed amendment, and you again rob my friends of hope.

May I repeat, that the adoption of the proposed amendment, and the consequent elimination of the item of appropriation for carrying out the Wheeler-Howard Act, would be a lamentable mistake. This piece of progressive and humanitarian legislation would be blasted before there is even afforded a chance to try it out. I am unable to believe that Congress will follow such a course.

The distinguished and lovable gentleman from California [Mr. McGROARTY], has secured the adoption of another amendment which, if it stays in the bill, will substantially abolish the Office of Indian Affairs. Again I am unable to convince myself that the House will adopt this policy. But if the House tomorrow or the next day, when the Committee of the Whole House on the state of the Union reports this bill back to the House, adopts the McGROARTY amendment, and the amendment now under consideration, then we shall have the melancholy distinction of having participated in an act which has brought to a sad climax, a disgraceful culmination, the "century of dishonor" which has marked, and indeed, encompassed the relations of the white races of the United States with its original native inhabitants, for we will have taken away from our Indian citizens, including the Eskimos, Indians, and Aleuts of Alaska, the only fair opportunity to help themselves which they have been afforded in my generation. [Applause.]

The Clerk read as follows:

For an additional amount to be added to the appropriation of \$2,500,000 contained in the Interior Department Appropriation Act, fiscal year 1936, for the establishment of a revolving fund for the purpose of making loans to Indian chartered corporations, in accordance with the act of June 18, 1934 (48 Stat., p. 986), \$980,000, of which amount not to exceed \$50,000 shall be available for personal services in the District of Columbia and in the field, for purchase of equipment and supplies, and for other necessary expenses of administering such loans.

Mr. TABER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 29, line 18, strike out line 18, page 29, to line 2, page 30, inclusive.

Mr. TABER. Mr. Chairman, the purpose of this amendment is to save \$980,000 to the Treasury of the United States. Under the Wheeler-Howard Act an appropriation of \$2,500,000 a year, as I understand it, was authorized for the purpose of making loans to Indian chartered corporations. No such loans have been made down to the time of the hearings on this bill, and the committee cut the Budget estimate of \$2,500,000 to \$980,000. No such loans have been made; no such corporations have been organized down to the time of the hearings. I refer the Members to the report of the committee on page 7:

Loans cannot be made until charters are issued, and none had been issued at the time of the hearings on the bill. As the issuance of charters is a condition prerequisite to the making of loans, the progress made to date would indicate that the amount recommended will be entirely sufficient for the next fiscal year.

The situation is this. They have available the two million and a half dollars which was appropriated a year ago, and they do not need it because they have nothing to loan to, and \$980,000 carried in paragraph is unnecessary. I believe we ought to save that amount for the Treasury instead of appropriating the money.

Mr. SCRUGHAM. Mr. Chairman, the reason the full appropriation has not been made is that it requires considerable time to organize the Indians into chartered corporations. The money has not been needed up to the present time. The entire two and a half million dollars will be needed in addition to the \$980,000 provided for. Your committee has gone into this very thoroughly. We have examined all the circumstances and we believe it to be necessary.

Mr. ZIONCHECK. And the original act calls for \$5,000,000, and this is much less.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 15, noes 33.

So the amendment was rejected.

The Clerk read as follows:

For operation and maintenance of the San Carlos project for the irrigation of lands in the Gila River Indian Reservation, Ariz., \$98,750, reimbursable, together with \$99,250 (operation and maintenance collections) and \$106,000 (power revenues), of which latter sum not to exceed \$25,000 shall be available for major repairs in case of unforeseen emergencies caused by fire, flood, or storm, from which amounts expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, \$304,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado for the committee: Page 33, line 10, after the word "amounts", insert "of \$99,250 and \$106,000, respectively."

Mr. TAYLOR of Colorado. Mr. Chairman, this is a clarifying amendment. It does not change the total amount. It changes the phraseology in a way we felt necessary to make it clear and make the appropriation available.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The Clerk read as follows:

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Mont., \$12,000, reimbursable, together with \$80,000 (operation and maintenance collections) and \$45,000 (power revenues), from which amounts expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, \$137,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 35, line 14, after the word "amounts", insert "of \$80,000 and \$45,000, respectively."

Mr. TAYLOR of Colorado. Mr. Chairman, that is for the purpose of clarifying the phraseology as in the last amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read down to and including line 4, on page 39.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DOUGHTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 10630, the Interior Department appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 459) entitled "Joint resolution to amend the joint resolution entitled 'Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes.'"

THE CASE OF HOOVER VERSUS THE FARMER

Mr. LUCKEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LUCKEY. Mr. Speaker, coming from an agricultural State, Nebraska, and having been engaged in farming for many years myself, I am deeply impressed at this time with two vital needs: One, a satisfactory and workable substitute for the Agricultural Adjustment Act; the other, the need for accurate understanding of the present agricultural problem, without which no satisfactory program can be built.

Such an understanding must exist, not only in the three branches of our Government—executive, legislative, and judicial—but also in the minds of the people, who, in the final analysis, are the highest tribunal in the land. This tribunal of 125,000,000 justices is vitally concerned with the general welfare. These justices are appointed for life by virtue of their citizenship. This is the court which never recesses and which, in our Government of checks and balances, writes the final majority or minority opinion—public opinion, if you please.

It is true that justice in this highest tribunal is sometimes slow. Legal technicians may delay the final verdict. Misrepresentation of facts or short-sighted leadership may confuse the deliberations and prolong the delay, perhaps for generations. That has been done. But an enlightened and accurately informed public opinion will in the end guard the general welfare.

Some time ago in my home city, Lincoln, an address was delivered by Herbert Hoover, the former President of the United States. Since in that address Mr. Hoover attempted to assail the present administration's farm program and also attempted to point out "roads to relief", I feel impelled to make a few observations. I do this, not in the spirit of personal or party criticism, but for the reason that the record may be kept straight. I rise to the defense of American agriculture.

I was deeply gratified to note the extent to which Mr. Hoover, during the period for reflection which has been his these past 3 years, now embraces many of the fundamental policies which are inherent in the philosophies and practices

of the New Deal's agriculture program. His adoption of these principles, during this period given him for unburdened contemplation by a considerate Nation following his 12 years of official service ending in those trying days of March 1933, is all the more notable in view of his record during those years of his official life.

Let me review some points expressed in his Lincoln speech:

First. With the rest of us, Mr. Hoover pleads for increased consumption of foods to be brought about by restoring employment. It had become fully apparent that cheap food, as represented by \$3 hogs, \$4 cattle, 20-cent corn, and 30-cent wheat, would not solve this problem, because, in the face of these prices, the supplies of these commodities had piled up until they were the largest in our history, untaken by our consumers at any price.

It was not cheapness of foods that would do the trick. That much was apparent. One of the aims and problems of the Triple A was to bring about reemployment in the factories through revived farm-buying power. A prostrate agriculture could not buy industrial goods in 1932. Industry has always practiced "production control", which means producing only what can be sold at a profit, even if it requires "plowing up" half or more of the factory acres, or plowing laborers out into the ranks of the unemployed. The farmer, finding no market and receiving a below-cost-of-production price, found himself confronted with ruin and the inability to buy even the mere necessities of life. This restricted buying power went far toward the aggravation of the unemployment problem. The challenge was to restore farm-buying power by increasing farm income so that laborers, again at work in the factories, could once more buy food at fair prices. Mr. Hoover neglected to mention the fact that by 1935 farm-buying power increased 50 to 55 percent over that of 1932. This brought an unquestioned amount of employment to industry. Consumption of practically all farm products was greater in 1935 than in 1932. Consumption of flour was apparently somewhat less in 1935 than 1932, but flour consumption has been steadily declining since 1926. It continued its decline at about the same rate as it did in the years of Mr. Hoover's administration.

Meat consumption fell about 10 percent in 1935, but several things need be considered. Our supply of pork is always consumed at some price, even though our farmers may almost give it away. But I know that neither hog producers or consumers want to go back to the 1932 price conditions, not even for an extra strip of bacon in ten. Such a condition of almost giving pork away to get people to eat it was making the farmer carry the relief load single handedly. The other factor to be considered was the drought. Mr. Hoover, as a relief expert, well knows the effect of disaster on the diet and food supplies. He knows from those saddening experiences how truly remarkable it was that following our 1934 drought—the worst in our history—our food supplies and consumption were not cut down to the scarcity level and that farm prices did not reach the parity level. The criticism of a 10-percent decline in meat consumption following 1932, when our farmers practically gave meat away, is certainly unjust.

Second. Mr. Hoover asks for our own home market for our farmer, and the restoration of a reasonable export market. How different this present situation might have been had Mr. Hoover recognized this fundamental principle when he was in a position to do something about it. Instead, he allowed and encouraged just the opposite. Today everyone in the New Deal joins with Mr. Hoover in this fervent wish for our home and export market and in his regrets for having lost so much of them during the years before 1933.

Mr. Hoover did not point out that during the last 10 years of his own public life, ending in 1933, our pork exports to foreign countries fell by the equivalent of more than 8,000,000 head of hogs annually. That is more hogs that we produce annually in the whole hog-producing State of Nebraska! He neglects to mention that during the same period of his official life, before 1933, our wheat exports showed an almost steady decline from 254,000,000 bushels in 1924 to 124,000,000 in 1931 and 25,000,000 in 1933. That is a loss

of more than 200,000,000 bushels of export a year during 10 years of Mr. Hoover's administration. That is more wheat than we grow in the whole State of Nebraska in 3 years! I ask that those who are straining at a gnat in deploring our export-import situation today, following the drought, remember the Smoot-Hawley tariff and other causes which combined to cost us the major part of our once lucrative export market and brought us up to 1933 with that export market all but gone completely. Our total agricultural exports declined much more during the period before 1933 than they did later; that is, they declined much more during the Hoover regime than during the New Deal regime. This is clearly illustrated by showing the value of all agricultural exports from 1925 to date, expressed in billions of dollars:

	Billions of dollars
1925-----	2.3
1926-----	1.9
1927-----	1.9
1928-----	1.8
1929-----	1.8
1930-----	1.5
1931-----	1.0
1932-----	.8
1933-----	.6
1934-----	.8
1935-----	.8

These illuminating figures would certainly not be comforting to one who was in power up to the low export point, 1933. No wonder Mr. Hoover now asks for a restoration of our export market. The farmers should be warned, however, that it will be a slow process to overcome the various factors which produced this export decline during Mr. Hoover's regime. Some progress was made during the drought year but not enough to overcome the greater tragedy of the short-sighted statesmanship which caused the decline.

Just to make the facts still more convincing, let me remind anyone who joins with Mr. Hoover and with me in deploring the debacle of our lost exports during the Hoover era that, expressed in terms of quantity instead of value, and using the 1909-14 period as an index of 100, our total agricultural exports, except cotton, showed an almost steady decline from an index of 218 in 1922 to 64 in 1933.

And this brings us to cotton. Mr. Hoover says:

We will take that worst year (1932) and compare it with the New Deal year of 1935. From that worst year exports of cotton have decreased 4,250,000 bales.

This was apparently based upon the data for the 1931-32 crop year beginning August 1, as compared with 1934-35. Mr. Hoover has deplored the decrease in number of bales—and he is only a little high—but let us look at the value, the returns to the Nation and to our farmers. The declared value of exports and unmanufactured cotton for the crop year 1934-35 was \$328,000,000 for 5,000,000 bales, as compared with \$342,000,000 for 9.2 million bales during Mr. Hoover's year of 1931-32. I ask this high court of public opinion which is the better record? Incidentally, the two largest consecutive cotton-export years on record were 1931-32 and 1932-33 when we exported 18,000,000 bales of cotton—but the other side of that picture is that the farm price of cotton for those 2 years was 5.5 and 6.5 cents per pound—which is, of course, below the cost of production and the lowest price in this century. Yet Mr. Hoover deplores the fact that "from that worst year—1932—exports of cotton have decreased 4,250,000 bales." Naturally foreign buyers loaded up their supplies for the future when they could buy it at record low prices.

Third. Mr. Hoover would retire submarginal lands. This is being done at a moderate rate.

Fourth. Mr. Hoover advocates further strengthening of the farm-credit machinery. This, of course, has been strengthened under this administration far more than under any previous administration.

Fifth. Mr. Hoover would "encourage cooperative marketing and those marketing agreements which contribute to prevent gluts in the flow to market." There are now in effect under the original adjustment act marketing agreements and

licenses, or licenses alone, for 28 fluid-milk marketing areas, in addition to those for the dry skimmed-milk industry and the evaporated-milk industry and for the 12 fruit and vegetable industries. It has been the policy under these agreements to move the surpluses into regular or nonroutine commercial channels. I do not blame Mr. Hoover for wanting to prevent gluts in the flow to market following his disastrous glut that was heard around the world when his Farm Board was caught with huge quantities of wheat and cotton they could not unload.

Sixth. Mr. Hoover says that—

We should endeavor to expand another crop which can be marketed or which would improve the fertility of the soil * * *. We need to replenish our soil with legumes and restore coverages.

The Triple A programs have done exactly that. They have not only encouraged the planting of soil-improving and erosion-preventing crops but have required it in positive performance asked for in contracts. Estimates based on reports from the land-grant colleges and experiment stations show that more than 90 percent of the 35,000,000 acres in 1934, and 30,000,000 acres in 1935, that were shifted from the production of surplus crops were used for soil-improving and erosion-preventing crops, or constructive fallow to conserve moisture and control weeds, planting farm wood lots, or for other purposes in which Mr. Hoover would by nature be equally interested, namely, for the production of emergency forage crops in the drought year and for crops for home feed and feed use. Alfalfa production for the Nation increased by 15 percent in 1935 over 1934; soybean acreage by nearly 300 percent in 1935 over the average acreage from 1928 to 1932, and lespedeza acreage increased more than twofold. The total pasture crop, according to census report, increased by 19,000,000 acres in the cotton States, or 15 percent. The hay and forage crops increased by 4,600,000 acres, or about 60 percent. Mr. Hoover will be relieved to learn that in the great drought region it is estimated that over 16,000,000 tons of forage crops best suited to meet drought conditions were produced on the acres taken out of production of surplus crops. One of the farmers who lives in my district in Butler County, Nebr., said that he grew more feed in 1934 on his 20 contracted acres taken out of corn production and put in emergency feed than on his 120 acres of land planted to corn on the same farm.

Seventh. Finally, Mr. Hoover, after subscribing now, if somewhat belatedly, to all these things I have mentioned which have been advocated and accomplished by the adjustment programs, lines up with the proposed substitute program when he says:

I believe we must be prepared to subsidize directly such special crops until agriculture has again been brought into balance. At the end of such a road we could hope for a balanced agriculture in full production and increased fertility in our soils. I am advised that it can be done within the spirit as well as the letter of the Constitution.

Apparently Mr. Hoover not only endorses these principles of our past program which I have mentioned but has so seen the light that he wants to go along with the proposed future program.

Now, unfortunately, Mr. Hoover did not confine himself to these constructive suggestions, but went carelessly into some criticism of the New Deal agricultural program, and in his criticism he made some grave misstatements. To keep the record straight before the high court, it seems wise to answer.

First. Mr. Hoover says, "To stop the production of 50,000,000 acres is not progress." Nothing like that was done, in spite of what Mr. Hoover says. In the first place, the curtailment was 36,000,000 acres in 1934 and 30,000,000 acres in 1935, instead of 50,000,000. In the second place, as I have already shown, production was not stopped on those acres. They were used for the highly valuable and constructive purposes which Mr. Hoover himself recommended in another part of his talk. My own farmer friends in Nebraska know this, of course, as do 3,000,000 contracting farmers over the United States, but the rest of the high court to which Mr. Hoover spoke may not have known how inaccurate and misleading his implication was.

Second. Mr. Hoover says this:

The Chicago Tribune is authority for the statement that the farmers' income for many uncontrolled commodities has been greater in proportion than from those which have had the attention of the New Deal.

In the first place, the people of my district know, of course, that the Chicago Tribune is not accepted as an authority on anything agricultural but, on the contrary, is a source of a vast amount of misinformation and discordant statements. I assume Mr. Hoover refers to two editorials I saw in that paper, one entitled "I Found Agriculture Prostrate", and the other "Why Farmers Are More Prosperous", in the December 15, 1935, and September 30, 1935, issues, respectively. The one title, of course, refers to the condition of agriculture when Mr. Hoover turned over his office to his successor, and the other to the present condition of agriculture. The editorial says:

Cash incomes of farmers for 1935 have been estimated at four hundred and thirteen millions larger than a year ago. But the larger part of this increase appears to have come from commodities whose production and prices were not managed by A. A. A.

Now, in the first place, all the farmers in my district of Nebraska, and I assume farmers in general know—even if the Chicago Tribune does not—that because of the competitive effect on each other all grain prices move up or down generally together, and that all livestock prices behave similarly. Were it not that the editorials misrepresented actual facts, I should be glad to let this rather ridiculous suggestion wither in its own weakness before the public judgment. But the editorial says that—

The Government report showed that actual receipts from the sale of grain last year were not more, but less by \$68,000,000 than in the year before. Income from raising hogs, under Government management, fell off by \$4,000,000. Those who live off sugar crops realized \$18,000,000 less than the year before.

The Chicago Tribune ignored completely the rental and benefit payments to farmers. When these are included, grains show not a loss of \$68,000,000, as the Tribune says, but a gain of fifty million; hogs not four million less, as the Tribune says, but actually two hundred million more; sugar crops not eighteen million less, as the Tribune says, but seven million more.

Third. Mr. Hoover quotes President Roosevelt opposing "the shipping of our soil fertility to foreign nations" and declares that "the logical conclusion of all that is to stop exports altogether." He has twisted President Roosevelt's expressed concern over the loss of our soil fertility which results when farmers have to sell at prices so low they cannot afford to maintain the fertility of their farms. An export subsidy that means in effect giving away our soil fertility without financial return is not good policy, nor is it Roosevelt's policy. Secretary Wallace and Administrator Davis have repeatedly urged maintaining our export markets but not unprofitable markets. They do not join with Mr. Hoover in urging maximum export shipments abroad for below-cost-of-production returns, thus subsidizing foreign consumers. If Mr. Hoover wants the home market for the American farmer, should he not be equally considerate of our consumers?

Fourth. Mr. Hoover says:

The execution of these principles required 120,000 part- or full-time Federal officials. Their pay was assessed against the farmers. This new breed of middlemen every day tried hard to bring agriculture into balance with politics.

Mr. Hoover has belittled the farmers of my district and of the United States and ignored the fact that most of them were, instead of being Federal officials, actually farmer committeemen, working a few days and getting a few dollars a day for their service, elected by their neighbors to act for them in an economic democracy functioning in its purest form rather than a bureaucracy in any sense. It made the word "democracy" a word of real significance to the farmers, instead of the mockery it meant in 1932 when their corn went to 20 cents and wheat to 30 cents.

Fifth. Mr. Hoover spoke of unemployment caused by growing less of agricultural crops. This overlooks the far greater amount of employment in industry caused by the

increased farm income. It is true that this greater farm income did not all flow into the industrial market; much of it went to pay interest, overdue principal on farm debt, taxes, and other fixed charges, according to Administrator Davis.

But—

Says Mr. Davis—

diverted to farmers, this income, as the evidence shows, has resulted in a heavy volume of purchases of manufactured goods. Louis Bean, economic advisor to the Adjustment Administration, finds that approximately 40 percent of the 1932-34 increase in factory employment can be attributed to the improvement in rural trade. Sample studies have indicated that in the first year after the farm program was launched shipments of manufactured goods used by farmers in farm production increased 75 percent, and shipments of all industrial and manufactured goods to agricultural areas increased nearly 40 percent.

It took employment to make these additional goods.

Sixth. In reading Mr. Hoover's speech I could not help comparing his present utterances with his past performance during the 12 years he was in power:

All parts of the economic system inevitably come back into balance with time. But farm recovery is longer drawn out. That is the higher economics of it.

The painful symptoms of it appear in the farmer's pocket in the slump of purchasing power of his dollar. Many farmers cannot hold on against these delays in readjustment. I have held that we cannot see the capable and industrious driven from their homes during these periods if they want to make a fight for them.

But over and against these words of Mr. Hoover lie the bitter facts that the various parts of our economic system did not come into balance during the 12 long years when he was in power, and many farmers, including the capable and industrious, could not hold out against the delay in readjustment. The capable and industrious found themselves driven from their homes, and no fine words of Mr. Hoover today can blot out now the memory of what they went through then, nor will they forget. He may ask them to wait yet a few more years, but the people of my district do not want to wait.

Seventh. Finally, Mr. Hoover referred to the era of great fear when the electorate, alarmed apparently at what they had done so enthusiastically, tightened the depression. "Fright over the coming of the New Deal skidded the country into the money and bank panic," he says. But I was interested to read in my Washington Post the next morning—which is published incidentally by Eugene Meyer, who was Governor of the Federal Reserve Board during Mr. Hoover's administration, this statement:

The attempt to saddle the present administration with responsibility for the banking debacle of 1933 and the collapse of the incipient recovery movement of 1932 will not hold water. Fear of New Deal policies was not the cause of a banking weakness of long standing.

Moreover—

Continues Mr. Meyer's newspaper—

Mr. Hoover is significantly silent about the miscarriage of the abortive stabilization efforts of the Farm Board. That ill-fated experiment in agricultural relief should have made him more charitable in judging his successor in office. He also weakens a strong case by an imaginative attack upon the reciprocal tariff policies of the administration, which, he says, are opening up the American market to farmers of Cuba, Canada, Spain, and Italy, with the last two of which no agreement has been concluded.

Mr. Hoover neglected to mention eight other countries with whom reciprocal agreements have been made, while mentioning Spain and Italy, with whom no agreements have been made.

At the outset of his speech Mr. Hoover says the New Deal—

Sets up a glorious ideal with which all of us agree unanimously, and then they drive somewhere else over into the ditch.

I should like to forget, with him, the glorious ideal which he set up of two cars in every garage—both of which were so promptly driven into the ditch.

Our need rises far above the plane of partisan political bias and criticism designed to make the farm problem the playground of politicians greedy for preferment. This problem is a challenge to all of us to forget party strife and to cooperate for a new and better farm program. Few, if any,

contend that the A. A. A. was perfect or that it had no faults. Practically all agree that it was the most salutary step ever taken to meet our farm problem. The mistakes can be discarded and the achievements retained. We have taken a step forward on the road to final solution, and we must not and cannot turn back now. Before this bar of justice I appeal for united support in bringing to our farmers and those dependent upon agriculture a life of economic equality and opportunity based upon the broadest principles of social justice.

TEXAS CENTENNIAL EXPOSITION

Mr. McREYNOLDS submitted a conference report on the resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes".

ESTIMATE FOR APPROPRIATION FOR ADJUSTED-SERVICE CERTIFICATES

Mr. BACON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BACON. Can the Speaker inform the House if and when he intends to lay before the House a recent communication he received from the President on a very important public matter involving over \$2,000,000,000?

The SPEAKER. The gentleman is referring to the estimate for payment of the adjusted-service certificates?

Mr. BACON. I was referring to that.

The SPEAKER. That has already been, under the rules, referred to the Committee on Appropriations and ordered printed.

Mr. BACON. A further parliamentary inquiry, Mr. Speaker. In view of the fact that it obviously involves raising money that does not now exist in the Treasury, should that not have been sent to the Committee on Ways and Means?

The SPEAKER. The Chair does not think so, under the Rules of the House. It applies only to an appropriation. No question of taxation is involved in this particular estimate.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Was not the order of the Speaker referring that communication from the President to the Committee on Appropriations, an official order, made here in the House from the Speaker's desk?

The SPEAKER. It was.

Mr. BLANTON. And it is not the fault of anybody in the House other than the gentleman from New York [Mr. BACON] that he does not keep up with the proceedings of the House?

The SPEAKER. The gentleman from New York, the Chair assumes, simply overlooked it.

REPORT FROM NATIONAL RESOURCES COMMITTEE (S. DOC. NO. 167)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Flood Control:

To the Congress of the United States:

I transmit herewith for the information of the Congress a letter from the Chairman of the National Resources Committee, with the accompanying report, entitled "Little Waters: A Study of Headwater Streams and Other Little Waters: Their Use and Relations to the Land."

This report treats of a subject with which the physical well-being of our people is intimately bound up, yet to which, in the past, too little attention has been paid. We have grown accustomed to dealing with great rivers, with their large problems of navigation, of power and of flood control, and we have been tempted to forget the little rivers from which they come. The report points out that we can have no effective national policy in those matters nor in the closely related matter of proper land uses until we trace this running

water back to its ultimate sources and find means of controlling it and of using it.

Our disastrous floods, our sometimes almost equally disastrous periods of low water, and our major problems of erosion, to which attention has been called by the reports of the National Resources Board, the Mississippi Valley Committee, the Soil Erosion Service, and other agencies, do not come full-grown into being. They originate in a small way, in a multitude of farms, ranches, and pastures.

It is not suggested that we neglect our main streams and give our whole attention to these little waters, but we must have, literally, a plan which will envisage the problem as it is presented in every farm, every pasture, every wood lot, every acre of the public domain.

The Congress could not formulate, nor could the Executive carry out the details of such a plan, even though such a procedure were desirable and possible under our form of government. We can, however, lay down certain simple principles and devise means by which the Federal Government can cooperate in the common interest with the States and with such interstate agencies as may be established. It is for the Congress to decide upon the proper means. Our objective must be so to manage the physical use of the land that we will not only maintain soil fertility but will hand on to the next generation a country with better productive power and a greater permanency of land use than the one we inherited from the previous generation. The opportunity is as vast as is the danger. I hope and believe that the Congress will take advantage of it, and in such a way as to command the enthusiastic support of the States and of the whole public.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, January 30, 1936.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 4178. An act for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

ADJOURNMENT

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House (at 5 o'clock and 8 minutes p. m.) adjourned until tomorrow, Friday, January 31, 1936, at 12 o'clock noon.

COMMITTEE HEARINGS

Committee on the Public Lands: Friday, January 31, 1936, 10:30 a. m.

Committee on Merchant Marine and Fisheries: Friday, January 31, 1936, on H. R. 4991 and H. J. Res. 247.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

636. A communication from the President of the United States transmitting supplemental estimates of appropriations for the Veterans' Administration, fiscal years 1936 and 1937, \$2,242,500,000, and for the Treasury Department, fiscal years 1936 and 1937, \$6,678,375, amounting in all to \$2,249,178,375, for the purpose of carrying out the Adjusted Compensation Payment Act, 1936 (H. Doc. No. 402); to the Committee on Appropriations.

637. A letter from the Secretary of War transmitting a draft of a bill to authorize an appropriation for improvement of ammunition-storage facilities at Aliamanu, Territory of Hawaii, and Edgewood Arsenal, Md.; to the Committee on Military Affairs.

638. A letter from the Secretary of War transmitting a draft of a bill to authorize the acquisition of land for cemetery purposes in the vicinity of New York City, N. Y.; to the Committee on Military Affairs.

639. A letter from the Secretary of Labor transmitting the report of statistical studies performed by the Department of Labor for other than governmental activities; to the Committee on Labor.

640. A letter from the Secretary of War, transmitting a draft of a bill to amend the act of February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes; to the Committee on Military Affairs.

641. A communication from the President of the United States, transmitting a letter from the chairman of the National Resources Committee with the accompanying report entitled "Little Waters: A Study of Headwater Streams and Other Little Waters: Their Use and Relations to the Land"; to the Committee on Flood Control.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DARDEN: A bill (H. R. 10750) to authorize the Secretary of the Treasury to convey to the city of Norfolk, Va., the old post-office site in such city, and the building thereon, for municipal purposes; to the Committee on Public Buildings and Grounds.

By Mr. DEMPSEY: A bill (H. R. 10751) to further extend the operation of the act entitled "An act to further extend the operation of the act entitled 'An act to further extend the operation of the act entitled 'An act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law'", approved April 1, 1932", approved March 27, 1934", approved June 13, 1935; to the Committee on Irrigation and Reclamation.

By Mr. McGROARTY: A bill (H. R. 10752) to amend Public Law No. 383, Seventy-third Congress (48 Stat. L. 984), relating to Indians, by exempting from the provisions of such act any Indians of California in the State of California; to the Committee on Indian Affairs.

By Mr. RANDOLPH: A bill (H. R. 10753) to provide for the construction of a post office at Parsons, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. COLLINS: A bill (H. R. 10754) to authorize the Secretary of the Interior to make an engineering survey of conditions in the Palo Verde Valley and Cibola Valley on the Colorado River in California and Arizona, and for other purposes; to the Committee on Flood Control.

Also, a bill (H. R. 10755) to provide for an engineering survey by the Secretary of the Interior of certain lands of the Colorado River Indian Reservation in California and Arizona; to the Committee on Indian Affairs.

By Mr. HILDEBRANDT: A bill (H. R. 10756) to provide for the issuance of permanent contracts to all contractors and subcontractors on star routes, compensation thereon, establishing a preferred list covering former contractors, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. HOPE: A bill (H. R. 10757) to increase agricultural purchasing power and provide for the payment of tariff-equivalent benefits on that part of the production of certain farm commodities which is consumed within the United States, and for other purposes; to the Committee on Agriculture.

By Mr. RANKIN: A bill (H. R. 10758) to provide for the construction of a Government building at State College, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. ZIONCHECK: A bill (H. R. 10759) to amend the Emergency Relief Appropriation Act of 1935, with reference to the employment of labor; to the Committee on Appropriations.

By Mr. BEITER: A bill (H. R. 10760) to provide Braille medals for ex-service men who are blind as the result of injuries in action; to the Committee on Military Affairs.

By Mr. McSWAIN (by request): A bill (H. R. 10761) for the relief of the present leader of the Army Band; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 10762) to authorize the procurement, without advertising, of certain War Depart-

ment property, and for other purposes; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 10763) to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928; to the Committee on Military Affairs.

By Mr. MONAGHAN: A bill (H. R. 10764) to amend section 15 of the act of Congress of August 31, 1935, entitled "An act to amend an act entitled 'An act to improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said valley; to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes'"; to the Committee on Military Affairs.

Also, a bill (H. R. 10765) to amend section 15 of the act of Congress of August 30, 1935, entitled "An act to stabilize the bituminous coal mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a draw-back under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous-coal resources of the United States; to provide for the general welfare, and for other purposes; and providing penalties"; to the Committee on Ways and Means.

By Mr. CELLER: A bill (H. R. 10766) authorizing the Secretary of War to purchase lands for the purpose of carrying into effect the provisions for national cemeteries; to the Committee on Military Affairs.

By Mr. KRAMER: A bill (H. R. 10767) to amend the act entitled "An act to safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes", approved August 12, 1935; to the Committee on World War Veterans' Legislation.

By Mr. PATMAN: A bill (H. R. 10768) to provide that interest on bonds issued to veterans under the Adjusted Compensation Payment Act, 1936, shall accrue and be payable for any period elapsing between the date of the bonds and the date of payment thereof; to the Committee on Ways and Means.

By Mr. STARNES: A bill (H. R. 10769) to protect World War disability pension and compensation awards, and for other purposes; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 10770) to make World War disability and death compensation and pension awards permanent after 5 years from the awarding thereof, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. UTTERBACK: A bill (H. R. 10771) granting pensions and increase of pensions to widows of certain sailors, soldiers, and marines of the Civil War, and for other purposes; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 10772) to amend the Public Buildings Act of May 25, 1926, to authorize the construction of buildings for post-office stations, branches, and garages, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. COLDEN: Joint resolution (H. J. Res. 476) declaring the birthday of Thomas Jefferson to be a legal public holiday; to the Committee on the Judiciary.

By Mr. CROSBY: Joint resolution (H. J. Res. 477) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. GILLETTE: Joint resolution (H. J. Res. 478) authorizing the construction of lighting facilities and radio aids for the air route flown under air-mail contract no. 26 from Omaha, Nebr., via Sioux City, Iowa, and Sioux Falls,

S. Dak., to Bismarck, N. Dak., and Minneapolis, Minn., and for other purposes; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, re Floyd Bennett Field Airport as an air-mail service station; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New York: A bill (H. R. 10773) for the relief of Gerlando Mirasola; to the Committee on Immigration and Naturalization.

By Mr. BARRY: A bill (H. R. 10774) for the relief of Gladys E. Faughnan, guardian; to the Committee on Claims.

By Mr. BEAM: A bill (H. R. 10775) for the relief of Patrick Joseph O'Connor; to the Committee on Military Affairs.

By Mr. DEMPSEY: A bill (H. R. 10776) for the relief of Thomas F. Cooney; to the Committee on Claims.

By Mr. ECKERT: A bill (H. R. 10777) for the relief of Marjorie M. Mills; to the Committee on Claims.

Also, a bill (H. R. 10778) for the relief of Willard Webster; to the Committee on Claims.

By Mr. EDMISTON: A bill (H. R. 10779) for the relief of Anise B. Dulaney; to the Committee on Military Affairs.

Also, a bill (H. R. 10780) for the relief of Sarah M. Waugh; to the Committee on Invalid Pensions.

By Mr. HARLAN: A bill (H. R. 10781) for the relief of Herman Pais; to the Committee on Immigration and Naturalization.

By Mr. HESS: A bill (H. R. 10782) for the relief of the heirs of Haym Salomon; to the Committee on Claims.

By Mr. KNUTE HILL: A bill (H. R. 10783) granting a pension to Randall Krauss; to the Committee on Pensions.

By Mr. McSWAIN: A bill (H. R. 10784) for the relief of William Thomas Genobles; to the Committee on Naval Affairs.

By Mr. MARSHALL: A bill (H. R. 10785) for the relief of John B. H. Waring; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 10786) granting an increase of pension to Minnie M. Darrow; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 10787) granting a pension to Mary E. Brewer; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 10788) granting a pension to Katrine Rautman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10789) for the relief of Frank Charles Robie; to the Committee on Naval Affairs.

Also, a bill (H. R. 10790) for the relief of Martin DeVries; to the Committee on Military Affairs.

Also, a bill (H. R. 10791) granting a pension to Margaret Teed; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10792) granting a pension to Peter Lafayette Turpin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10793) for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor; to the Committee on Claims.

By Mr. UTTERBACK: A bill (H. R. 10794) for the relief of Merton E. Bent; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9875. By Mr. BLOOM: Petition of the members of the National Guard Association of the State of New York, requesting the enactment of legislation authorizing an allowance of \$35 per month for quarters to each enlisted man of the

United States Army detailed to duty with the National Guard as sergeant-instructor while on such duty, and that such payments and also any payments heretofore made for rental of quarters for such noncommissioned officers shall be considered as an allowance to the individual; to the Committee on Military Affairs.

9876. Also, petition of the American Institute of Steel Construction, Asphalt Shingle and Roofing Industry, Brick Manufacturers Association of America, Concrete Reinforcing Steel Institute, Metal Lath Manufacturers Association, Metal Window Institute, National Crushed Stone Association, National Door Manufacturers Association, National Electrical Manufacturers Association, National Federation of Builders Supply Association, National Lime Association, National Lumber Manufacturers Association, National Paint, Varnish, and Lacquer Association, National Retail Lumber Dealers Association, National Sand and Gravel Association, National Slag Association, Portland Cement Association, and Structural Clay Products, Inc., urging the extension of title 1 of the National Housing Act for a period of 1 year to April 1, 1937; to the Committee on Appropriations.

9877. By Mr. COLDEN: Petition containing 40 names of inventors, asking that the Congress pass immediately legislation establishing an inventors' loan fund; to the Committee on Patents.

9878. Also, resolution adopted by the National Restaurant Association at its convention in Chicago, October 11, 1935, objecting to the continuance of Government competition with private enterprise in the operation of restaurants; to the Committee on Expenditures in the Executive Departments.

9879. Also, resolution passed at the quarterly meeting of the board of directors of the Los Angeles County Farm Bureau, urging all who have the welfare of our country at heart to cooperate in the support of such legislation as is needed to make agricultural stabilization a permanent reality; to the Committee on Agriculture.

9880. By Mr. CULLEN: Resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

9881. By Mr. ENGEL: Petition of Roland W. Kelderhouse and others, of Glen Arbor, Mich., favoring legislation to extend existing star-route mail contracts and increasing the compensation thereon; to the Committee on the Post Office and Post Roads.

9882. Also, petition of E. D. Voice and others, of Empire, Mich., favoring legislation to extend existing star-route mail contracts and increasing the compensation thereon; to the Committee on the Post Office and Post Roads.

9883. Also, petition of Joseph A. Schwarz and others, of Leland, Mich., favoring legislation to extend existing star-route mail contracts and increasing the compensation thereon; to the Committee on the Post Office and Post Roads.

9884. By Mr. GOODWIN: Petition of the League for American Neutrality, New Haven, Conn., protesting against certain provisions of the neutrality bill; to the Committee on Foreign Affairs.

9885. Also, petition of the National Association of Cotton Manufacturers protesting against continuing the present policy of the Government with respect to imports from foreign countries; to the Committee on Ways and Means.

9886. By Mr. MURDOCK: Petition of numerous citizens of Washington County, State of Utah, and patrons of star route no. 69200, urging Congress to enact legislation at this session indefinitely extending all existing star-route contracts, and increasing the compensation therefor, so that it will be on a basis equal to the compensation paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9887. Also, petition of numerous citizens of Carbon and Emery Counties, State of Utah, and patrons of star route no. 69168, urging Congress to enact legislation at this session indefinitely extending all existing star-route contracts, and increasing the compensation therefor, so that it will

be on a basis equal to the compensation paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9888. By Mr. TONRY: Memorial of the New York State Assembly, memorializing Congress to take appropriate steps for the establishment of an air-mail base at Floyd Bennett Airport in Brooklyn, New York City; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 31, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we pause in that name which is above every name in heaven and in earth. We thank Thee that Thou art mightier than human burdens, deeper than human grief, and vaster than human needs. Heavenly Father, how helpless we feel in the sight of suffering humanity. Give us grace to do unto others as we would have them do unto us; may our breasts be full of that charity which suffereth long and is kind. Vouchsafe Thine especial thought and wisdom to the Congress. Give light and clarity of judgment to any who may be in perplexity, patience to those whose trials continue, and courage to any who may be grievously tempted. Blessed Lord, lift us all to the higher planes of thought and life until we reach the sweet tablelands of the heavenly places. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 307. Joint resolution authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3398. An act to establish the Air Corps Technical School and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps; and

S. J. Res. 196. Joint resolution to correct errors in the enrollment of Private Act No. 349, Seventy-fourth Congress, approved August 29, 1935, and to clarify the duties of the Comptroller General in connection with said act.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. NORBECK members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments", for the disposition of executive papers in the Smithsonian Institution.

PERMISSION TO ADDRESS THE HOUSE

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of making an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, I have the honor to announce the arrival of another Democrat. Mrs. Shanley, the wife of my colleague, JAMES A. SHANLEY, gave birth to a son at New Haven last evening. The latest bulletin from the bedside is that both mother and baby are doing very well. Naturally, my colleague is in New Haven, and I re-

spectfully request that his absence be noted and that he be given permission to remain away as long as he feels like celebrating the event.

Furthermore, I feel that he should be congratulated, because the date of the new arrival coincides with the President's birthday. [Applause.]

HISTORY OF THE PASSAGE OF H. R. 6995, PROVIDING FULL RESTORATION OF PENSIONS TO THE VETERANS OF THE SPANISH-AMERICAN WAR

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address which I delivered before the National Encampment of the United Spanish War Veterans at San Antonio, Tex.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert an address delivered by me before the Thirty-seventh Annual Encampment of the United Spanish War Veterans at San Antonio, Tex., September 18, 1935, being the verbatim transcript as taken down by the official reporters of that great convention and published in the National Tribune, Washington, D. C., October 31, 1935.

The address is as follows:

Comrade Commander in Chief McCord, distinguished guests, officers of the United Spanish War Veterans, and my comrades, this is one of the happiest and proudest moments of my life, for it is indeed a great honor to have the happy privilege of addressing this magnificent national convention.

My memory of the Spanish-American War goes back to the time when I was a little boy and lived in the city of Chicago. I thought at that time that the war was a good thing, because I used to sell newspapers. I sold the Chicago Daily News, and, of course, as a result of the war I was able to sell more papers, and I was hoping it would last longer than it did. [Laughter.]

My parents took me down on Michigan Avenue when they had the great peace jubilee in Chicago, when the treaty of peace had been signed with Spain. My father held me in his arms, because I was a little chap then. There were a lot of people lined up on both sides of Michigan Avenue, where Grant Park is now, in Chicago, and I saw the returned veterans of the Spanish-American War march by. President McKinley was there in a carriage. I remember seeing Theodore Roosevelt in his Rough Rider's uniform. General Miles was there, Admiral Schley, Gen. Joe Wheeler, and, if I am not mistaken (I do not think I am), it seems to me that Admiral Hobson, who is here, was in the line of march there in Chicago that day. [Applause.] That occasion made a very deep impression upon my mind and my heart, and I have always remembered it.

I think one of the finest things that Shakespeare ever wrote was the line: "For justice, all groves a temple; all seasons, summer."

My friends, all we did down there in Congress in the last session, in passing H. R. 6995, was to try to do simple justice to the veterans of the Spanish-American War. [Applause.]

Those of us who serve in public life often receive more praise than we deserve, and sometimes we get more blame than we are entitled to. There is a popular story they tell down in the Capital about Senator ASHURST, of Arizona, a colleague of Senator MCGILL, of Kansas. The Senator has probably heard this story, but most of you probably have not. Last summer Senator ASHURST went back to Arizona, where he met an old friend of his. They met on the street. His friend greeted him and said to the Senator, "I am not going to vote for you this time." The Senator was rather surprised, and said, "Why are you not going to do it?"

He said, "I supported you last time, and I even contributed to your campaign and helped elect you, but during these years while these matters have been going on down in Washington I have lost my home in town, I have lost my house in the country, my bank has closed, and I haven't very much money."

The Senator, in pained surprise, said, "Well, you don't hold me responsible for all that, do you?"

His constituent said to him, "No; I do not; but you were there when it happened, and now I am against you." [Laughter.]

In talking about H. R. 6995, the most that Senator MCGILL and I can say is that we were down there in Washington when it happened. But I give the most credit for the passage of that law to you, and you, and you, the 150,000 members of the United Spanish War Veterans. [Applause.] It was the prestige and the influence and the numbers of the United Spanish War Veterans that caused that bill to be enacted into law and to be signed by the President of the United States. [Applause.] Don't fool yourselves about that. Also, it was because of the arduous labors of your splendid national legislative committee.

I agree with Chauncey M. Depew, who said one time that he would rather have taffy while he was living than epitaphy after he was dead. [Laughter.]